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**HANSARD'S**  
**PARLIAMENTARY DEBATES,**

**THIRD SERIES:**

**COMMENCING WITH THE ACCESSION OF**

**WILLIAM IV.**

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**38° & 39° VICTORIÆ, 1875.**

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**VOL. CCXXIV.**

**COMPRISING THE PERIOD FROM**

**THE FOURTH DAY OF MAY 1875,**

**TO**

**THE FIFTEENTH DAY OF JUNE 1875.**

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**Third Volume of the Session.**

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**1875.**





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## Customs and Inland Revenue Bill—continued.

*Moved*, “That Mr. Speaker do now leave the Chair.”

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “in the opinion of this House, the remission of Taxation to the extent of £60,000 per annum, arising from the proposed alteration in Duties on Licences for Brewers, would be suitably met by an equivalent increase in the Malt Duties,”—(Sir Wilfrid Lawson,)—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question:”—After short debate, Amendment, by leave, *withdrawn*.

Main Question, “That Mr. Speaker do now leave the Chair,” put, and *agreed to*:—Bill *considered* in Committee.

After short time spent therein, Bill *reported*; as amended, to be *considered To-morrow*.

## Savings Banks &c. Bill [Bill 146]—

Order for Committee read:—*Moved*, “That Mr. Speaker do now leave the Chair,”—(Mr. Chancellor of the Exchequer) .. .. 943

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “in the opinion of this House, it is inexpedient to pass a Bill which might cause the Savings Banks and Friendly Societies Funds to be less securely invested than they now are, and which does not provide any adequate guarantee that the National Debt Commissioners, in whom these funds are vested, will not annually have to make up a considerable deficit by a Parliamentary grant,”—(Mr. Fawcett,)—instead thereof.

After long debate, Motion, by leave, *withdrawn*.

Question, “That the words proposed to be left out stand part of the Question,” put, and *agreed to*.

Main Question, “That Mr. Speaker do now leave the Chair,” put, and *agreed to*:—Bill *considered* in Committee.

On Question, “That the Preamble be postponed?”—After short debate, Preamble postponed:—After further short debate, Committee report Progress; to sit again *To-morrow*.

PARLIAMENT — BUSINESS OF THE HOUSE — Question, The Marquess of Hartington; Answer, Mr. W. H. Smith:—Short debate thereon .. 990

## Local Authorities Loans Bill [Bill 123]—

Order for Committee read .. .. 991

*Moved*, “That this House will, To-morrow, resolve itself into the said Committee.”

Amendment proposed, to leave out the word “To-morrow,” in order to insert the words “upon Monday next,”—(Mr. Fawcett,)—instead thereof.

Question proposed, “That the word ‘To-morrow’ stand part of the Question:”—After short debate, Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*:—Committee *deferred* till *To-morrow*.

## Public Health (re-committed Bill [Bill 157]—

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Police Expenses Bill—Resolution [May 25] *reported* and *agreed to*:—Bill ordered (Mr. Chancellor of the Exchequer, Mr. Secretary Cross); presented, and read the first time [Bill 187] .. .. 992

Government Officers Security Bill — Ordered (Mr. William Henry Smith, Mr. Chancellor of the Exchequer); presented, and read the first time [Bill 188] .. 992

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<b>Sligo, Leitrim, and Northern Counties Railway Bill</b> — <i>Preference Stock</i> —Order of the Day for the House to be put into Committee, read ..	998
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<b>General School of Law Bill</b> (No. 90)— <i>Moved</i> , “That the Bill be now read 2 <sup>a</sup> ,”—( <i>The Lord Selborne</i> ) ..	997
After short debate, Motion <i>agreed to</i> :—Bill read 2 <sup>a</sup> accordingly, and <i>committed</i> to a Committee of the Whole House on <i>Tuesday</i> the 8 <sup>th</sup> <i>June</i> next.	
<b>Inns of Court Bill</b> (No. 89)— Bill read 2 <sup>a</sup> (according to Order), and <i>committed</i> to a Committee of the Whole House on <i>Tuesday</i> the 8 <sup>th</sup> <i>June</i> next.	
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**SUPPLY**—Order for Committee read; Motion made, and Question proposed,  
“That Mr. Speaker do now leave the Chair:”—

**UNREFORMED BOROUGH CORPORATIONS—MOTION FOR PAPERS—**

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a List of Municipal Corporations (England and Wales) which are not incorporated under the Act 5 and 6 Will. 4, c. 76, showing with respect to each, in a tabular form, the amount of the revenue at the date of inquiry held in 1835:—

“Copies of the Petition of the inhabitants of Woodstock to Her Majesty in Council in 1867:—

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SUPPLY—Order for Committee read—*continued*.

"Of any Correspondence between the chief constable of Oxfordshire and inhabitants of Woodstock relating to charges made in 1874 or 1875 against the landlord of the 'King's Arms' at Woodstock for breaches of the Licensing Act, which charges resulted in the conviction of the said landlord, then and now Mayor of Woodstock, on January 18, 1875, for the said offence :

"And, of the Petition of the inhabitants of New Romney to Her Majesty in Council in 1869,"—(*Sir Charles W. Dilke*,)—instead thereof .. .. 1009

Question proposed, "That the words proposed to be left out stand part of the Question :"—After short debate, Amendment, by leave, *withdrawn*.

THE PROPERTY OF THE LATE CHURCH OF IRELAND—ADDRESS FOR A ROYAL COMMISSION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, for the appointment of a Royal Commission to inquire into the circumstances of the distribution and application of the property of the late Church of Ireland, particularly as regards commutations and compositions, whether under proceedings of the Church Temporalities Commissioners, or of the representative body of the Irish Church,"—(*Mr. Edward Jenkins*,)—instead thereof .. .. 1031

After debate, Question put, "That the words proposed to be left out stand part of the Question :"—The House *divided* ; Ayes 148, Noes 34 ; Majority 114.

ARMY—THE DUBLIN MILITIA DEPÔTS—Observations, Mr. Meldon ; Reply, Mr. Gathorne Hardy :—Short debate thereon .. .. 1062

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THE TICHBORNE TRIAL—CONDUCT OF THE LORD CHIEF JUSTICE—Question, Observations, Mr. Whalley ; Reply, Mr. Assheton Cross .. .. 1067

Main Question proposed, "That Mr. Speaker do now leave the Chair :"—Motion, by leave, *withdrawn* :—Committee *deferred* till *Monday* next.

Increase of the Episcopate Bill (*Lords*) [Bill 110]—

*Moved*, "That the Bill be now read a second time,"—(*Mr. Beresford Hope*) .. .. 1071

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Sir William Harcourt*.)

Question proposed, "That the word 'now' stand part of the Question :"—After short debate, *Moved*, "That the Debate be now adjourned,"—(*Mr. Waddy* :)—The House *divided* ; Ayes 42, Noes 101 ; Majority 59.

Question again proposed, "That the word 'now' stand part of the Question :"—*Moved*, "That this House do now adjourn,"—(*Mr. Herbert* :)—After short debate, Question put :—The House *divided* ; Ayes 37, Noes 92 ; Majority 55.

Question again proposed, "That the word 'now' stand part of the Question :"—*Moved*, "That the Debate be now adjourned,"—(*Sir Charles Forster* :)—Question put :—The House *divided* ; Ayes 36, Noes 86 ; Majority 50.

Question again proposed, "That the word 'now' stand part of the Question :"—*Moved*, "That this House do now adjourn,"—(*Mr. Watkin Williams* :)—Motion, by leave, *withdrawn*.

Question again proposed, "That the word 'now' stand part of the Question :"—Debate *adjourned* till *Monday* next.

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### TRANSPORT OF FOREIGN CATTLE—MOTION FOR PAPERS—

*Moved* that there be laid before this House,

"Copy of Report of the Inspector of the Privy Council relative to the case of the importation of foreign cattle at Deptford referred to by the Lord President on the 30th of April last; also

"Copy of Letter from J. Colan, Esq., to Dr. Williams, Veterinary Department, Privy Council, of 29th April 1875; and

"Copies of the general instructions issued to Inspectors of Ports in the United Kingdom relative to the importation of foreign cattle:

"And also to call attention generally to the state of the law with regard to the transport of foreign cattle,"—(*The Earl De La Warr*) .. .. . 1085

After short debate, Motion *agreed to*.

### FRANCE, GERMANY, &c. — THE PEACE OF EUROPE—MOTION FOR CORRESPONDENCE—

*Moved*, "That an humble Address be presented to Her Majesty, praying Her Majesty to communicate to this House so much of the correspondence between Her Majesty's Government and the Governments of France, Germany, Russia, Italy, Belgium, the Netherlands, Spain, and Portugal relating to the peace of Europe which has taken place since the commencement of the present year as can be made known to Parliament without injury to the public service,"—(*The Earl Russell*) .. 1091

After short debate, on Question? *Resolved* in the *Negative*.

ARMY — EFFICIENCY OF THE ARMY — Question, Observations, Viscount Hardinge; Reply, The Duke of Cambridge:—Debate thereon .. 1101

## COMMONS, MONDAY, MAY 31.

ARMY — MILITARY PRISONERS—CASE OF GUNNER CHARLTON—Question, Sir Edward Watkin; Answer, Mr. Gathorne Hardy .. 1125

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CRIMINAL LAW — PRISON RULES—THE CABINET MAKERS—Question, Mr. Mundella; Answer, Mr. Assheton Cross .. 1134

SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL—Question, Mr. Meldon; Answer, Sir Michael Hicks-Beach .. 1135

PRIVILEGE — PETITION FROM DUBLIN — FICTITIOUS SIGNATURES—Question, Mr. Meldon; Answer, Sir Charles Forster .. 1135



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## PARLIAMENT—PUBLICATION OF DEBATES AND EXCLUSION OF STRANGERS—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [4th May]:—Question again proposed:—Debate *resumed* 1136  
After long debate, Amendment, by leave, *withdrawn*:—Original Question put:—The House *divided*; Ayes 147, Noes 254; Majority 107.

Division List, Ayes and Noes. . . . . 1164

*Moved*, "That strangers shall not be directed to withdraw upon notice being taken of their presence: but if occasion shall arise for repressing or preventing disorder, Mr. Speaker, or the Chairman of a Committee, may direct their exclusion from any part of the House,"—(*The Marquess of Hartington*) . . . . . 1167

### Amendment proposed,

To leave out from the word "That" to the word "presence," inclusive, and insert the words "if any Member call the attention of the Speaker to the presence of strangers in the House, so soon as the strangers shall have retired, Mr. Speaker shall call upon the Member who directed his attention to the presence of strangers to state his reasons for their exclusion, and immediately on the Member's resuming his seat, Mr. Speaker shall propose as a question to be decided by the House, that strangers be re-admitted; and it shall not be competent to any Member to call the attention of Mr. Speaker to the presence of strangers during the remainder of that sitting of the House,"—(*Mr. Newdegate*),—instead thereof.

After further debate, Question, "That the words 'strangers shall not be directed to withdraw upon notice being taken of their presence' stand part of the Question," put, and *negatived*.

### Question put,

"That the words 'if any Member call the attention of the Speaker to the presence of strangers in the House, so soon as the strangers shall have retired, Mr. Speaker shall call upon the Member who directed his attention to the presence of strangers to state his reasons for their exclusion, and immediately on the Member's resuming his seat, Mr. Speaker shall propose as a question to be decided by the House, that strangers be re-admitted; and it shall not be competent to any Member to call the attention of Mr. Speaker to the presence of strangers during the remainder of that sitting of the House,' be there inserted,"—instead thereof.

The House *divided*; Ayes 30, Noes 192; Majority 162.

### Amendment proposed,

To insert, after the word "That," the words "if, at any sitting of the House, or in Committee, any Member shall take notice that strangers are present, Mr. Speaker, or the Chairman (as the case may be) shall forthwith put the question that strangers be ordered to withdraw, without permitting any debate or amendment: Provided, That Mr. Speaker and the Chairman may, whenever he think fit, order the withdrawal of strangers from any part of the House,"—(*Mr. Disraeli*) . . . . . 1185

Question, "That those words be there inserted," put, and *agreed to*:—  
Words *inserted*.

### Amendment proposed,

To leave out the words "but, if occasion shall arise for repressing or preventing disorder, Mr. Speaker, or the Chairman of a Committee, may direct their exclusion from any part of the House."

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Main Question, as amended, put, and *agreed to*.

## Friendly Societies (*re-committed*) Bill [Bill 169]—

Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair,"—(*Mr. Chancellor of the Exchequer*) . . . . . 1186

### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "no legislation with regard to Friendly Societies can be deemed satisfactory that does not provide in some way for compulsory registration and audit, and for the gradual introduction in all cases of a properly calculated scale of contributions,"—(*Colonel Barttelot*),—instead thereof.

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## Friendly Societies Bill—continued.

After short debate, Question, “That the words proposed to be left out stand part of the Question,” put, and *agreed to*.

Main Question, “That Mr. Speaker do now leave the Chair,” put, and *agreed to* :—Bill *considered* in Committee.

After short time spent therein, Committee report Progress; to sit again *To-morrow*, at Two of the clock.

## SITTINGS OF THE HOUSE—

*Resolved*, That, whenever the House shall meet at Two of the clock, the sitting of the House shall be held subject to the Resolutions of the House of the 30th day of April 1869.

## LORDS, TUESDAY, JUNE 1.

REGIMENTAL EXCHANGES BILL—Personal Explanation, The Marquess of Lansdowne .. .. . 1203

## Church Patronage Bill (Nos. 12-79)—

Order of the Day for the House to be put into Committee, read .. 1203

*Moved*, “That this House do now resolve itself into a Committee,”—  
(*The Lord Bishop of Peterborough*.)

After short debate, Motion *agreed to* :—House in Committee accordingly.

Amendments made; the Report thereof to be received on *Friday* next; and Bill to be *printed*, as amended. (No. 122.)

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METROPOLIS—THE THAMES EMBANKMENT—HUNGERFORD SWIMMING BATH—Question, Sir George Jenkinson; Answer, Lord Henry Lennox .. 1236

## PARLIAMENT—NORWICH NEW WRIT—

*Moved*, “That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the electing of a Member to serve in this present Parliament for the City of Norwich, in the room of Jacob Henry Tillett, esquire, whose election has been determined to be void,”—(*Mr. Whalley*) .. 1237

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “the Writ for the election of a new Member for the City of Norwich be suspended until the evidence taken on the trial of the Norwich Election Petition has been considered by the House,”—(*Mr. Yorke*),—instead thereof.

After short debate, Question, “That the words proposed to be left out stand part of the Question,” put, and *negatived*.

Words *added* :—Main Question, as amended, put, and *agreed to*.

## Friendly Societies (re-committed) Bill [Bill 169]—

Bill *considered* in Committee [*Progress 31st May*] .. 1245

After some time spent therein, Committee report Progress; to sit again upon *Thursday*.

And it being now five minutes to Seven of the clock, the House suspended its sitting.

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Amendment proposed,	
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<b>ARMY EXAMINATIONS—ADDRESS FOR A PAPER—</b>	
<i>Moved</i> , that an humble Address be presented to Her Majesty for Copies of the examination papers issued for the examination of candidates for first commissions in the Army, and for examination upon promotion since the introduction of competitive examination,—( <i>The Lord Strathnairn</i> ) .. ..	
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<b>House Occupiers Disqualification Removal Bill [Bill 164]—</b>	
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<b>Maynooth College Bill—Ordered (The O'Conor Don, Mr. Kavanagh, Mr. Law, Captain Nolan); presented, and read the first time [Bill 194] ..</b>	
1388	
<b>Criminal Law Amendment Bill—Ordered (Mr. Cole, Mr. Morgan Lloyd, Mr. Waddy); presented, and read the first time [Bill 195] ..</b>	
1388	

## LORDS, FRIDAY, JUNE 4.

ELEMENTARY EDUCATION ACT, 1871—COMPULSORY EDUCATION—CASE OF ELIZABETH MARKS—Question, Observations, Earl De La Warr, Lord Stanley of Alderley; Reply, The Duke of Richmond ..	1389
<b>SANITARY OFFICERS (IRELAND)—MOTION FOR A RETURN—</b>	
<i>Moved</i> that there be laid before this House, Return of the names of Boards of Guardians of the Poor in Ireland who have objected to the appointment of sanitary officers in Ireland by sealed orders of the Local Government Board,—( <i>The Viscount Lifford</i> ) ..	1395
After short debate, Motion <i>agreed to</i> .	

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<b>Church Patronage Bill (No. 122)—</b>	
Amendments <i>reported</i> (according to Order) ..	1397
Further Amendments made; Bill to be read 3 <sup>a</sup> on <i>Monday</i> next, and to be <i>printed</i> , as amended (No. 131.)	
<b>Local Government Board's Provisional Orders Confirmation (Aberdare, &amp;c.)</b>	
Bill [H.L.]— <i>Presented</i> ( <i>The Lord President</i> ); read 1 <sup>a</sup> , and <i>referred</i> to the Examiners (No. 123) ..	1400
<b>General Police and Improvement (Scotland) Provisional Order Confirmation</b>	
Bill [H.L.]— <i>Presented</i> ( <i>The Lord Steward</i> ); read 1 <sup>a</sup> , and <i>referred</i> to the Examiners (No. 130) ..	1400

## COMMONS, FRIDAY, JUNE 4.

CRIMINAL LAW — TREATMENT OF CONVICTS — PORTLAND PRISON—Question, Mr. O'Connor Power; Answer, Mr. Assheton Cross ..	1401
STAMP DUTIES (IRELAND)—NOTICES TO QUIT—Question, Mr. Butt; Answer, The Chancellor of the Exchequer ..	1402
MINES INSPECTORS' REPORTS FOR 1874—Question, Mr. Macdonald; Answer, Mr. Assheton Cross ..	1402
FISHERIES — DESTRUCTION OF SEA FISH BY TORPEDOES — Question, Mr. Tremayne; Answer, Sir Charles Adderley ..	1403
ARMY — COURT MARTIAL AT ST. HELENA—CASE OF GUNNER JURES—Question, Sir Walter Barttelot; Answer, Mr. Stephen Cave ..	1403
NAVY—H.M.S. "DEVASTATION"—Question, Lord Randolph Churchill; Answer, Mr. Hunt ..	1404
POST OFFICE — TELEGRAPHIC COMMUNICATION WITH LIGHTHOUSES — Explanation, Lord John Manners ..	1404
<b>Friendly Societies (<i>re-committed</i>) Bill [Bill 169]—</b>	
Bill <i>considered</i> in Committee [ <i>Progress 3rd June</i> ] ..	1405
After short time spent therein, Bill <i>reported</i> ; as amended, to be considered upon <i>Monday</i> 14th June, and to be <i>printed</i> . [Bill 196.]	
<b>Land Titles and Transfer Bill (Lords) [Bill 105]—</b>	
Order for Committee read:— <i>Moved</i> , "That Mr. Speaker do now leave the Chair,"—( <i>Mr. Attorney General</i> ) ..	1414
Amendment proposed, To leave out from the word "That" to the end of the Question, in order to add the words "this House, while fully alive to the expediency of making the title to land more uniform and its transfer more simple, cheap, and expeditious, is of opinion that this Bill will not effectually carry out those objects,"—( <i>Mr. Osborne Morgan</i> ),—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question."	
After short debate, it being ten minutes before Seven of the clock, the Debate was adjourned till <i>To-morrow</i> .	
And it being now Seven of the clock, the House suspended its Sitting.	
The House resumed its Sitting at Nine of the clock.	
SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—	
ARMY—REMOVAL OF MILITARY OFFICERS—MOTION FOR AN ADDRESS—	
Amendment proposed, To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the dismissal or removal from active service of officers of the Army under the rank of Major General, not incapacitated by bodily or mental infirmity, and who have not been allowed the option of being brought before a court martial,"—( <i>Mr. Torrens</i> ),—instead thereof ..	1426
Question proposed, "That the words proposed to be left out stand part of the Question;"—After debate, [House counted out,	

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### COMPETITIVE EXAMINATIONS (NAVY AND ARMY)—ADDRESS FOR PAPERS—

*Moved* that an humble Address be presented to Her Majesty for—

Copies of any official papers relating to the advantages or disadvantages of competitive examinations for the navy or any other department of the Government at home or abroad; and Copies of a letter from the Government of India to Sir Hugh Rose, when Commander-in-Chief in India, requesting them to submit to them his opinions on the question of education of candidates for first commissions in the army, and his answers, which they approved; and for, Copies of a letter from the Government of India,"—  
—(*The Lord Strathnairn*) .. .. .

.. 1447

After short debate, Motion amended, and *agreed to*.

Address for "Copies of a letter from the Government of India to Sir Hugh Rose, when Commander-in-Chief in India, requesting him to submit to them his opinions on the question of education of candidates for first commissions in the army, and his answers."

### Sale of Food and Drugs Bill (No. 112)—

*Moved*, "That the Bill be now read 2<sup>a</sup>,"—(*The Lord President*) .. 1448

After short debate, Motion *agreed to*:—Bill read 2<sup>a</sup>, and committed to a Committee of the Whole House on *Friday* next.

### Church Patronage Bill (Nos. 12-79-122-131)—

Order of the Day for the Third Reading, read:—The Queen's consent signified .. .. . 1452

*Moved*, "That the Bill be now read 3<sup>a</sup>,"—(*The Lord Bishop of Peterborough*) 1452

After short debate, Motion *agreed to*:—Bill read 3<sup>a</sup> accordingly, and *passed*, and sent to the Commons.

## COMMONS, MONDAY, JUNE 7.

CAPE OF GOOD HOPE—SOUTH AFRICAN DIAMOND FIELDS—Question, Sir Joseph M'Kenna; Answer, Mr. J. Lowther .. 1460

METROPOLIS—HYDE PARK CORNER—Question, Lord Ernest Bruce; Answer, Lord Henry Lennox .. 1461

CORRUPT PRACTICES ACT—PARLIAMENTARY ELECTIONS ACT—Question, Mr. Butt; Answer, Mr. Assheton Cross .. 1461

INDIAN CIVIL SERVICE—Question, Mr. Lowe; Answer, Lord George Hamilton .. 1462

ELEMENTARY EDUCATION ACT—THE LONDON SCHOOL BOARD—Question, Lord Henry Thynne; Answer, Viscount Sandon .. 1463

METROPOLIS—THE THAMES EMBANKMENT—THE NATIONAL OPERA HOUSE—Question, Colonel Beresford; Answer, Sir James Hogg .. 1464

INDIA—NIZAM STATE RAILWAY, HYDERABAD—Question, Sir George Campbell; Answer, Lord George Hamilton .. 1466

ARMY—THE VOLUNTEERS AND THE MILITIA—RETIRED RANK—Question, Sir Frederick Perkins; Answer, Mr. Gathorne Hardy .. 1467

PARLIAMENT—BUSINESS OF THE HOUSE—Questions, Mr. Newdegate, Mr. Whalley; Answers, Mr. Disraeli .. 1467

ARMY—THE FOOT GUARDS AND THE LINE REGIMENTS—Question, Colonel Mure; Answer, Mr. Gathorne Hardy .. 1468

### Savings Banks, &c. Bill [Bill 146]—

Bill considered in Committee [*Progress 27th May*] .. 1469

After long time spent therein, Bill *reported*; as amended, to be considered upon *Monday 21st June*, and to be *printed*. [Bill 198.]

### County Courts Bill [Bill 156]—

*Moved*, "That the Bill be now read a second time,"—(*Mr. Solicitor General*) .. 1515

After short debate, Motion *agreed to*:—Bill read a second time, and committed for *Thursday*.

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## DOVER PIER AND HARBOUR [EXPENSES]—REPORT—

Resolution [June 1] *reported* .. .. . 1517

“That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of one-third of the expenses incurred in the construction of Works in pursuance of any Act of the present Session for authorising the construction of additional Piers and Works at Dover.”

Resolution read the first time :—*Moved*, “That the said Resolution be now read a second time :”—After short debate, *Moved*, “That the Debate be now adjourned,” — (*Mr. Beckett-Denison* :)—Motion, by leave, *withdrawn* :—Resolution *agreed to*.

Statute Law Revision Bill—*Ordered* (*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach*) ; *presented*, and read the first time [Bill 199] .. .. . 1517

Court of Admiralty (Ireland) Act (1867) Amendment Bill—*Ordered* (*Mr. Murphy, Mr. James Corry, Mr. Downing, Mr. Johnston, Mr. Ronayne, Mr. MacCarthy*) ; *presented*, and read the first time [Bill 200] .. .. . 1517

## LORDS, TUESDAY, JUNE 8.

### Offences against the Person Bill (No. 158)—

*Moved*, “That the Bill be now read 2<sup>a</sup>,”—(*The Lord Hampton*) .. 1518

After short debate, Motion *agreed to* :—Bill read 2<sup>a</sup> accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

### Drainage and Improvement of Lands (Ireland) Provisional Order Bill [H.L.]—

*Presented* (*The Lord President*) ; read 1<sup>a</sup>, and *referred* to the Examiners .. 1519

## COMMONS, TUESDAY, JUNE 8.

COCK-FIGHTING—Question, *Mr. Macdonald* ; Answer, *Mr. Assheton Cross* 1519

ARMY—THE MILITIA BILLETING—Question, *Mr. Earp* ; Answer, *Mr. Gathorne Hardy* .. .. . 1520

NAVY—VISIT OF H.R.H. THE PRINCE OF WALES TO INDIA—Question, *Admiral Egerton* ; Answer, *Mr. Hunt* .. .. . 1521

INDIA—BURMAH—MURDER OF COLONEL HAMILTON—Question, *Mr. Beach* ; Answer, *Lord George Hamilton* .. .. . 1521

### National Debt (Sinking Fund) Bill [Bill 142]—

Order for Committee read :—*Moved*, “That *Mr. Speaker* do now leave the Chair,”—(*Mr. Chancellor of the Exchequer*) .. .. . 1522

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “as reduction of debt implies taxation in excess of the requirements of the State for the services of the year, the pressure of the debt upon the taxpayer should be diminished to the extent of the interest saved upon the amount of debt previously redeemed,”—(*Mr. Hubbard*.)—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question :”—After debate, Amendment, by leave, *withdrawn*.

Main Question, “That *Mr. Speaker* do now leave the Chair,” put, and *agreed to*.

Bill *considered* in Committee.

After short time spent therein, Bill *reported*, without Amendment ; to be read the third time upon *Monday* next.

### Medical Acts Amendment (College of Surgeons) Bill [Bill 100]—

Order for Committee read :—*Moved*, “That *Mr. Speaker* do now leave the Chair,”—(*Sir John Lubbock*) .. .. . 1560

After short debate, it being ten minutes before Seven of the clock, the Debate was adjourned till *this day*.

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And it being now Seven of the clock, the House suspended its Sitting.	
—	
The House resumed its Sitting at Nine of the clock.	
NAVY—RULE OF THE ROAD AT SEA—Resolution, Sir John Hay .. .. . [House counted out.]	1561

### COMMONS, WEDNESDAY, JUNE 9.

PARLIAMENT—THE LATE COUNT-OUT—Question, Mr. Newdegate; Answer, Mr. Speaker .. .. .	1562
<b>Elementary Education (Compulsory Attendance) Bill [Bill 16]</b>	
<i>Moved</i> , “That the Bill be now read a second time,”—( <i>Mr. Dixon</i> ) ..	1562
Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months,”—( <i>Mr.</i> <i>Hamond</i> .)	
After long debate, Question put, “That the word ‘now’ stand part of the Question :”—The House <i>divided</i> ; Ayes 164, Noes 255; Majority 91.	
Words <i>added</i> :—Main Question, as amended, put, and <i>agreed to</i> :—Second Reading <i>put off</i> for three months.	
Division List, Ayes and Noes .. .. .	1611
<b>Labourers Cottages (Scotland) Bill [Bill 39]—</b>	
<i>Moved</i> , “That the Bill be now read the second time,”—( <i>Sir George Balfour</i> )	1614
After short debate, it being a quarter of an hour before Six of the clock, the Debate stood adjourned till <i>To-morrow</i> .	
PARLIAMENT—OPPOSED BILLS—Question, Mr. Dillwyn; Answer, Mr. Speaker	1616
<b>Chelsea Hospital (Lands) Bill [Bill 193]—</b>	
<i>Moved</i> , “That the Bill be now read the second time,”—( <i>Mr. Stephen</i> <i>Cave</i> ) .. .. .	1616
After short debate, Motion <i>agreed to</i> :—Bill read a second time, and <i>com-</i> <i>mitted</i> for <i>To-morrow</i> .	
<b>United Parishes (Scotland) Bill—Ordered</b> ( <i>Mr. Dalrymple, Colonel Alexander, Mr.</i> <i>M'Lagan</i> ); <i>presented</i> , and read the first time [Bill 201] .. .. .	1617

### LORDS, THURSDAY, JUNE 10.

REPORTED EPIDEMIC IN THE FIJI ISLANDS—Question, Observations, The Earl of Shaftesbury; Answer, The Earl of Carnarvon .. .. .	1617
<b>Artizans Dwellings Bill (Nos. 82-132)—</b>	
Order of the Day for receiving the Report of the Amendments, read ..	1620
<i>Moved</i> , That the said Report be now received: objected to; and, after short debate, on Question, <i>Resolved</i> in the <i>Affirmative</i> ; Report received accordingly.	
Amendment made; and Bill to be read 3 <sup>a</sup> on <i>Thursday</i> next.	
<b>Elementary Education Provisional Order Confirmation (London) (No. 2) Bill</b>	
[H.L.]— <i>Presented</i> ( <i>The Lord President</i> ); read 1 <sup>a</sup> , and referred to the Examiners (No. 141) .. .. .	1621



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INDIA OFFICERS COMPENSATION—REPORT OF THE SELECT COMMITTEE— Question, Mr. Kavanagh; Answer, Lord George Hamilton ..	1621
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GAME LAWS (SCOTLAND)—GAMEKEEPERS—Question, Mr. Fortescue Harrison; Answer, Mr. Assheton Cross ..	1623
ARMY—RELIGIOUS PROCESSIONS—Question, Mr. Sampson Lloyd; Answer, Mr. Gathorne Hardy ..	1623
ARMY—EXPLOSION OF GUN COTTON (WOOLWICH)—Question, Mr. Whitwell; Answers, Mr. Assheton Cross, Mr. Gathorne Hardy ..	1624
ARMY—ATTENDANCE AT DIVINE SERVICE—MEATH MILITIA—Question, Mr. Parnell; Answer, Mr. Gathorne Hardy ..	1625
THE CANADIAN PARLIAMENT—Question, Mr. J. G. Talbot; Answer, Mr. Sclater-Booth ..	1625
INDIA—NIZAM STATE RAILWAY—HYDERABAD—Question, Sir George Campbell; Answer, Lord George Hamilton ..	1626
PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS—Questions, Mr. W. E. Forster, Mr. Campbell - Bannerman, Mr. Lowe, Mr. Newdegate; Answers, Mr. Disraeli, The Chancellor of the Exchequer ..	1626
ARMY—COURTS MARTIAL—Question, Mr. Boord; Answer, Mr. Stephen Cave ..	1627

### PUBLIC BUSINESS—ORDERS OF THE DAY—THE LABOUR LAWS—

*Moved*, "That the Orders of the Day subsequent to the Order for resuming the  
Adjourned Debate on going into Committee on the Land Titles and Transfer Bill  
be postponed till after the Notice of Motion for leave to bring in a Bill to amend  
the Labour Laws,"—(*Mr. Disraeli*) .. 1628

#### Amendment proposed,

To leave out all the words from the word "resuming," to the words "Transfer  
Bill," both inclusive, in order to insert the words "the Second Reading of the  
Supreme Court of Judicature Bill,"—(*Mr. Macdonald*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of  
the Question:"—After short debate, Amendment, by leave, *with-  
drawn*:—Main Question put, and *agreed to*.

### Supreme Court of Judicature Act (1873) Amendment (No. 2)

#### Bill (*Lords*) [Bill 162]—

*Moved*, "That the Bill be now read a second time,"—(*Mr. Attorney  
General*) .. 1631

Amendment proposed, to leave out the word "now," and at the end of  
the Question to add the words "upon this day three months,"—(*Mr.  
Watkin Williams*).

Question proposed, "That the word 'now' stand part of the Question:"—  
After long debate, *Moved*, "That the Debate be now adjourned,"—  
(*Mr. Assheton Cross*):—Motion *agreed to*:—Debate *adjourned* till Monday  
next.

### Employers and Workmen Bill—

Motion for Leave (*Mr. Assheton Cross*) .. 1668

After debate, Motion *agreed to*:—Bill to enlarge the powers of County  
Courts in respect of disputes between Employers and Workmen, and  
to give other courts a limited civil jurisdiction in respect of such  
disputes, *ordered* (*Mr. Secretary Cross, Mr. Attorney General, Sir  
Henry Selwin-Ibbetson*); *presented*, and read the first time [Bill 203.]

### House Occupiers Disqualification Removal Bill [Bill 164]—

Order read, for resuming Adjourned Debate on Question [3rd June],  
"That Mr. Speaker do now leave the Chair:"—Question again pro-  
posed:—Debate *resumed* .. 1688

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*House Occupiers Disqualification Removal Bill*—continued.

Amendment proposed, to leave out from the word “That” to the end of the Question, in order to add the words “this House will, upon this day three months, resolve itself into the said Committee,”—(*Mr. Hayter*,)—instead thereof.

After short debate, Question put, “That the words proposed to be left out stand part of the Question :”—The House *divided*; Ayes 107, Noes 20 ; Majority 87.

Main Question proposed: — *Moved*, “That the Debate be now adjourned,”—(*Mr. Dodds*:)—Question put, and *negatived*.

Main Question, “That Mr. Speaker do now leave the Chair,” put, and *agreed to*.

Bill *considered* in Committee, and *reported*, without Amendment; to be read the third time *To-morrow*.

PARLIAMENT—BUSINESS OF THE HOUSE—Observations, Mr. W. H. Smith 1689

**Conspiracy and Protection of Property Bill**—*Ordered* (*Mr. Secretary Cross, Mr. Attorney General, Sir Henry Selwin-Ibbetson*); *presented*, and read the first time [Bill 204] .. 1690

**Orphan and Deserted Children (Ireland) Bill**—*Ordered* (*Mr. O’Shaughnessy, Mr. Downing, Major O’Gorman*); *presented*, and read the first time [Bill 205] .. 1690

**Juries (Ireland) Bill**—*Ordered* (*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach*); *presented*, and read the first time [Bill 206] .. 1690

## LORDS, FRIDAY, JUNE 11.

TRANSPORT OF CATTLE BY SEA AND LAND—MOTION FOR A SELECT COMMITTEE—

*Moved* that a Select Committee be appointed,

To inquire into the state of the law with regard to the transport of cattle by sea and land:

To inquire into the rules and regulations of the Privy Council, with special reference to the methods of transport now adopted:

To receive evidence with reference to such alterations of the law as may be deemed advisable, and to report upon it,—(*The Earl De La Warr*) .. 1691

After short debate, Motion (by Leave of the House) *withdrawn*.

**Exeter Union of Benefices Bill (No. 58)**—

*Moved*, “That the Bill be now read 2<sup>a</sup>,”—(*The Lord Bishop of Exeter*) .. 1706

After short debate, Motion and Bill (by Leave of the House) *withdrawn*.

**Local Government Board’s Provisional Orders Confirmation (Abingdon, &c.)**

Bill [H.L.]—*Presented* (*The Lord President*); read 1<sup>a</sup>; and referred to the Examiners (No. 147) .. 1712

**Local Government Board (Ireland) Provisional Order Confirmation (No. 2)**

Bill [H.L.]—*Presented* (*The Lord President*); read 1<sup>a</sup>; and referred to the Examiners (No. 148) .. 1712

## COMMONS, FRIDAY, JUNE 11.

PUBLIC HEALTH — SMALL-POX IN IRELAND — Questions, Mr. Kirk, Mr. M’Laren; Answers, Sir Michael Hicks-Beach .. 1712

COAL MINES—BUNKER’S HILL EXPLOSION—Question, Mr. Macdonald; Answer, Mr. Assheton Cross .. 1714

SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL—Question, Mr. O’Shaughnessy; Answer, Sir Michael Hicks-Beach .. 1714

JESUITS IN ENGLAND—Questions, Mr. Whalley; Answers, Mr. Assheton Cross .. 1715



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SUPPLY—Order for Committee read ; Motion made, and Question proposed,  
“That Mr. Speaker do now leave the Chair:”—

LAND TENURE IN IRELAND—RESOLUTION—Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to issue Her Royal Commission to such persons as Her Majesty may see fit to appoint, directing them to inquire into and report upon the operation and effect of the Act passed in 1870 to amend the Law relating to the occupation and ownership of land in Ireland, and more especially to ascertain, if necessary by local inquiries, whether and how far the provisions of that Act intended for such purpose have been effectual in giving increased security of tenure to the Irish tenants, and whether any and what obstacles have existed or do exist to prevent the operation of those provisions; and also to make like special inquiries and report as to the provisions of that Act introduced to facilitate the acquisition by the tenant of the absolute interest in his farm; and generally to inquire and report as to all matters connected with the tenure of land in Ireland which Her Majesty may see fit in Her wisdom to refer to them,”—(*Mr. Butt*.)—instead thereof .. 1716

After debate, Question put, “That the words proposed to be left out stand part of the Question:”—The House *divided*; Ayes 108, Noes 41; Majority 67.

INDIA—CASE OF MR. TORCKLER—Observations, Mr. Agg-Gardner, Sir George Balfour; Reply, Lord George Hamilton .. 1740

CONTEMPT OF COURT—Observations, Mr. Whalley; Reply, The Attorney General:—Debate thereon .. 1742

Main Question, “That Mr. Speaker do now leave the Chair,” put, and *agreed to*.

SUPPLY—*considered* in Committee—CIVIL SERVICE ESTIMATES.

(In the Committee.)

CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS.

- (1.) £36,646, to complete the sum for the House of Lords Offices.
- (2.) £41,651, to complete the sum for the House of Commons Offices.—After short debate, Vote *agreed to* .. 1764
- (3.) £47,516, to complete the sum for the Treasury.—After short debate, Vote *agreed to* .. 1764
- (4.) £73,272, to complete the sum for the Home Office.—After short debate, Vote *agreed to* .. 1765
- (5.) £51,692, to complete the sum for the Foreign Office.
- (6.) £27,738, to complete the sum for the Colonial Office.
- (7.) Motion made, and Question proposed, “That a sum, not exceeding £29,252, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Salaries and Expenses of the Department of Her Majesty’s Most Honourable Privy Council, and Subordinate Departments” .. 1766
- Motion made, and Question proposed, “That a sum, not exceeding £27,252, be granted, &c.”—(*Mr. Dillwyn*.)—After short debate, Question put:—The Committee *divided*; Ayes 27, Noes 165; Majority 138.
- Original Question put, and *agreed to*.
- (8.) £105,531, to complete the sum for the Board of Trade.—After short debate, Vote *agreed to* .. 1768
- (9.) £2,249, to complete the sum for the Privy Seal Office .. 1772
- After short debate, Motion made, and Question put, “That a sum, not exceeding £2,249, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Salaries and Expenses of the Office of the Lord Privy Seal:”—The Committee *divided*; Ayes 124, Noes 44; Majority 80.

Resolutions to be reported upon *Monday* next; Committee to sit again upon *Monday* next.

Infanticide Bill [Bill 43]—

Bill *considered* in Committee .. 1772  
After short time spent therein, Committee report Progress; to sit again upon *Monday* next.

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## SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL—PETITION FROM DUBLIN—

*Moved*, "That the Order, that the Petition from Dublin, against the Sale of Intoxicating Liquors on Sunday (Ireland) Bill [presented 28th May] do lie upon the Table, be read, and discharged,"—(*Mr. Meldon*) .. .. 1773  
After short debate, Motion, by leave, *withdrawn*.

## LORDS, MONDAY, JUNE 14.

### PRIVATE BILLS—

Ordered, That so much of the Standing Order of the 15th day of March 1859 which requires "that the Examiner shall give at least two clear days notice of the day on which any Bill shall be examined," and also section 9. of Standing Order No. 178., be *dispensed with* for the remainder of the Session.

### *Birmingham (Corporation) Water Bill—*

*Moved*, "That the Bill be now read 2<sup>a</sup>" .. .. 1774  
Amendment *moved* to leave out ("now") and insert at the end of the Motion ("this day three months,")—(*The Lord Hampton*.)  
After short debate, on Question, That ("now") stand part of the Motion?  
*Resolved* in the *Affirmative*; Bill read 2<sup>a</sup> accordingly, and *committed*.

### POOR LAW—RESOLUTION—

*Moved*, That it is expedient in the administration of the Poor Law to revert more nearly to the principles laid down in the Report of the Commissioners of Inquiry (1833), with a view to the ultimate discontinuance of out-door relief,—(*The Lord Lyttelton*) .. 1778  
After debate, Motion (by leave of the House) *withdrawn*.

### Local Government Board's Provisional Orders Confirmation (Bromley, &c.)

Bill [H.L.]—*Presented* (*The Earl of Jersey*); read 1<sup>a</sup>, and referred to the Examiners (No. 149) .. .. 1806

### Local Government Board's Poor Law Provisional Orders Confirmation

(Oxford, &c.) Bill [H.L.]—*Presented* (*The Earl of Jersey*); read 1<sup>a</sup>, and referred to the Examiners (No. 150) .. .. 1806

### Local Government Board's Provisional Orders Confirmation (Abingdon,

Barnsley, &c.) Bill [H.L.]—*Presented* (*The Earl of Jersey*); read 1<sup>a</sup>, and referred to the Examiners (No. 151) .. .. 1806

## COMMONS, MONDAY, JUNE 14.

APOTHECARIES HALL (IRELAND)—LICENTIATES—Question, Mr. Lyon Playfair; Answer, Sir Michael Hicks-Beach .. .. 1807

POST OFFICE—OCEAN POSTAL CONTRACTS—Question, Mr. John Holms; Answer, Lord John Manners .. .. 1807

NAVY — NON-COMMISSIONED OFFICERS OF ROYAL MARINES AS SERJEANT INSTRUCTORS OF VOLUNTEERS—Question, Mr. Gorst; Answer, Mr. Hunt .. 1808

IRISH FISHERIES—INSPECTORS—REPORT FOR 1874—Question, Mr. Butt; Answer, Sir Michael Hicks-Beach .. .. 1808

FRANCE — COOLIE EMIGRATION TO THE FRENCH COLONIES—Question, Sir Charles W. Dilke; Answer, Mr. Bourke .. .. 1809

ELEMENTARY EDUCATION ACT—COMPULSORY ATTENDANCE—Question, Sir Lawrence Palk; Answer, Mr. Assheton Cross .. .. 1810

ARMY—SECOND LIEUTENANT COLONELS—GRIEVANCES OF OFFICERS—Question, Mr. Stacpoole; Answer, Mr. Gathorne Hardy .. .. 1810

SUGAR CONVENTION, 1864—REFINED SUGAR—Question, Mr. Wait; Answer, Mr. Bourke .. .. 1810

MERCHANT SHIPPING ACTS AMENDMENT BILL—MERCHANT SHIPPING LEGISLATION—Question, Mr. Gourley; Answer, Mr. Disraeli .. .. 1811

PARLIAMENTARY &C. ELECTIONS—THE LAW OF REGISTRATION—Question, Mr. Hayter; Answer, Mr. Disraeli .. .. 1811

DEAN FOREST AND HUNDRED OF SAINT BRIAVELS BILL — Question, Colonel Kingscote; Answer, Mr. W. H. Smith .. .. 1812

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DOMINION OF CANADA—IMMIGRATION OF PAUPER CHILDREN—Question, Mr. Evelyn Ashley; Answer, Mr. J. Lowther .. ..	1813
THE SUNDAY ACT — THE BRIGHTON AQUARIUM CASE — Question, Mr. Ashbury; Answer, Mr. Assheton Cross .. ..	1813
CRIMINAL LAW AMENDMENT ACT (1871)—CONVICTION FOR PICKETING—ALLEGED ILL-TREATMENT OF PRISONERS—Question, Mr. Anderson; Answer, Mr. Assheton Cross .. ..	1814
<b>Supreme Court of Judicature Act (1873) Amendment (No. 2) Bill (<i>Lords</i>) [Bill 162]—</b>	
Order read, for resuming Adjourned Debate on Amendment proposed to Question [10th June]:—Question again proposed:—Debate <i>resumed</i> .. ..	1815
After long debate, Amendment, by leave, <i>withdrawn</i> .	
Main Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for <i>Monday</i> next.	
<b>Offences against the Person Act Amendment Bill [Bill 155]—</b>	
<i>Moved</i> , "That the Bill be now read a second time,"—( <i>Mr. Charley</i> ) ..	1853
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—( <i>Mr. P. A. Taylor</i> .)	
Question proposed, "That the word 'now' stand part of the Question:—"—After debate, <i>Moved</i> , "That the Debate be now adjourned," ( <i>Mr. Mundella</i> :)—After further short debate, Motion <i>agreed to</i> :—Debate <i>adjourned</i> till <i>Thursday</i> .	
SUPPLY—REPORT—Resolutions [June 11] <i>reported</i> .. ..	
First Six Resolutions <i>agreed to</i> .	
Seventh Resolution read a second time.	
Amendment proposed, to leave out "£29,252," in order to insert "£27,252,"—( <i>Mr. Dillwyn</i> ),—instead thereof.	
After short debate, Question put, "That '£29,252' stand part of the said Resolution:—"—The House <i>divided</i> ; Ayes 185, Noes 18; Majority 167.	
Resolution <i>agreed to</i> :—Subsequent Resolutions <i>agreed to</i> .	1879
House Occupiers Disqualification Removal (Scotland) Bill — Ordered ( <i>Dr. Cameron, Sir Henry Wolff, Mr. Vans Agnew, Mr. Mackintosh</i> ); <i>presented</i> , and read the first time [Bill 210] .. ..	
	1879

### LORDS, TUESDAY, JUNE 15.

<b>Bishopric of Saint Albans Bill (No. 108)—</b>	
<i>Moved</i> , "That the Bill be now read 2 <sup>a</sup> ,"—( <i>The Lord Steward</i> ) ..	1880
After short debate, Motion <i>agreed to</i> :—Bill read 2 <sup>a</sup> accordingly, and <i>committed</i> to a Committee of the Whole House on <i>Friday</i> next.	
<b>General School of Law Bill (No. 90)—</b>	
<i>Moved</i> , That the House do now resolve itself into a Committee upon the said Bill .. ..	1891
After short debate, Motion <i>agreed to</i> :—House in Committee accordingly: House <i>resumed</i> .	
<b>Sale of Food and Drugs Bill (No. 112)—</b>	
House in Committee (according to Order) .. ..	1894
Amendments made;—Bill to be <i>printed</i> , as amended. (No. 155.)	

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## *Crosshill Burgh Extension Bill (by Order)—*

Bill, as amended, *considered* .. .. . 1900  
*Ordered*, That Standing Orders Nos. 208, 224, and 248, be suspended  
in the case of the said Bill.

*Moved*, "That the Bill be now read the third time."

Amendment proposed, to leave out the word "now," and at the end of  
the Question to add the words "upon this day three months,"—(*Mr.*  
*Anderson* :)—After debate, Question put, "That the word 'now' stand  
part of the Question :"—The House *divided*; Ayes 202, Noes 94;  
Majority 108.

Main Question put, and *agreed to* :—Bill read the third time, and *passed*.

POST OFFICE TELEGRAPHS—THE ISLE OF MAN—Question, Mr. Bathbone;  
Answer, Lord John Manners .. .. . 1918

ORDNANCE SURVEY—DENBIGHSHIRE—Question, Mr. Osborne Morgan;  
Answer, Lord Henry Lennox .. .. . 1918

METROPOLIS—NEW COURTS OF JUSTICE—COURT OF APPEAL—Question, Mr.  
Hopwood; Answer, Lord Henry Lennox .. .. . 1919

THE SUNDAY ACT—THE BRIGHTON AQUARIUM CASE—Question, Mr. Joseph  
Cowen; Answer, Mr. Assheton Cross .. .. . 1919

ELEMENTARY EDUCATION ACT—THE NATIONAL SCHOOLS, MIDDLETON—  
Question, Mr. Pease; Answer, Viscount Sandon .. .. . 1920

LUNATICS (IRELAND)—Question, Mr. Moore; Answer, The Solicitor General  
for Ireland .. .. . 1922

LAW AND JUSTICE—CIRCUITS OF THE JUDGES—Question, Mr. Waddy;  
Answer, The Attorney General .. .. . 1922

ARMY—ATTENDANCE OF MILITIAMEN AT MASS—Questions, Mr. Parnell;  
Answers, Mr. Gathorne Hardy .. .. . 1923

## Land Titles and Transfer Bill (*Lords*) [Bill 105]—

Order read, for resuming Adjourned Debate on Amendment proposed to  
Question, [4th June]:—Question again proposed :—Debate *resumed* .. 1924

After debate, Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put,  
and *agreed to* :—Bill *considered* in Committee.

Committee report Progress; to sit again upon *Thursday*.

## Education (Scotland) (Sutherland and Caithness) Bill [Bill 145]—

Order for Committee read .. .. . 1935

*Moved*, "That it be an Instruction to the Committee that they have power to extend  
the provisions of the Act to Scotland generally, so far as to provide for an efficient  
audit of the accounts of school boards, and to enable school boards either to lease or to  
accept the transfer of certain existing schools,"—(*Mr. Ramsay*.)

After short debate, Motion, by leave, *withdrawn*.

*Moved*, "That Mr. Speaker do now leave the Chair."

It being ten minutes before Seven of the clock, the Debate was adjourned  
till *To-morrow*.

## Medical Acts Amendment (College of Surgeons) Bill [Bill 100]—

Order read, for resuming Adjourned Debate on Question [8th June]:—  
Question again proposed :—Debate *resumed* .. .. . 1937

After short debate, Question put, and *agreed to* :—Bill *considered* in Com-  
mittee, and *reported*; as amended, to be considered upon *Friday*.

And it being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

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<b>METROPOLITAN POOR ACT—HAMPSTEAD FEVER AND SMALL-POX HOSPITAL—</b>	
<b>MOTION FOR A SELECT COMMITTEE—</b>	
<i>Moved</i> , “That a Select Committee be appointed to inquire into and report upon the Clauses of the Metropolitan Poor Act (30 Vic. c. 6), giving powers to the managers of asylums to take, hold, and dispose of lands and other property for the purposes of the Act,”—( <i>Mr. Coope</i> ) .. .. .	1938
Amendment proposed,	
To add, at the end of the Question, the words “and the said Committee shall specially report whether any new general hospital for infectious diseases in the metropolis is desirable or necessary,”—( <i>Mr. Torrens</i> .)	
After short debate, Question, “That those words be there added,” put, and <i>negatived</i> .	
Original Motion, by leave, <i>withdrawn</i> .	
<i>Moved</i> , “That a Select Committee be appointed to inquire into and report upon the action of the Metropolitan Asylums Board in respect of the establishment of a Fever and Small Pox Hospital at Hampstead,”—( <i>Mr. Coope</i> ) .. .. .	1954
Motion <i>agreed to</i> :—And, on June 28, Committee <i>nominated</i> :—List of the Committee .. .. .	1955
<b>Triennial Parliaments Bill—</b>	
Motion for Leave ( <i>Dr. Kenealy</i> ) .. .. .	1955
	[House counted out.]

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## LORDS.

### SAT FIRST.

FRIDAY, MAY 7, 1875.  
The Earl of Romney, after the Death of his Father.

TUESDAY, MAY 11.  
The Lord Tredegar, after the Death of his Father.

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## COMMONS.

### NEW WRITS ISSUED.

MONDAY, MAY 10.  
For *Brecknockshire*, *v.* The Hon. Godfrey Charles Morgan, now Baron Tredegar,  
called up to the House of Peers.

THURSDAY, JUNE 3.  
For *Suffolk* (Western Division), *v.* Lord Augustus Hervey, deceased.

### NEW MEMBERS SWORN.

TUESDAY, MAY 25.  
*County of Brecknock*—William Fuller Maitland, esquire.

MONDAY, MAY 31.  
*Tipperary County*—Stephen Moore, esquire.

# HANSARD'S PARLIAMENTARY DEBATES,

IN THE

*SECOND SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,  
APPOINTED TO MEET 5 MARCH, 1874, AND THENCE CONTINUED  
TILL 5 FEBRUARY, 1875, IN THE THIRTY-EIGHTH YEAR OF  
THE REIGN OF*

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

*Tuesday, 4th May, 1875.*

**MINUTES.]—PUBLIC BILLS—*First Reading*—**  
Vivisection Regulation \* (85); Sea Fisheries \*  
(86); Local Government Board's Provisional  
Orders Confirmation (No. 2) \* (87); Inns of  
Court (89); General School of Law (90).  
***Second Reading*—**Bishops Resignation Act (1869)  
Perpetuation \* (74); Bank Holidays Act  
(1871) Extension and Amendment \* (76);  
International Copyright (73).  
***Committee* —** Saint Paul's Cathedral (Minor  
Canonries \* (60); Pacific Islanders Protec-  
tion (33-88).  
***Committee—Report*—**Local Government Board's  
Provisional Orders Confirmation \* (53); Pub-  
lic Health (Scotland) Provisional Order Con-  
firmation \* (54); (£15,000,000) Consolidated  
Fund \*.  
***Report*—**Public Entertainments (Hour of Open-  
ing), *now* Public Entertainments \* (77).

VOL. CCXXIV. [THIRD SERIES.]

PACIFIC ISLANDERS' PROTECTION  
BILL.—(Nos. 33-88.)

(*The Earl of Carnarvon.*)

COMMITTEE.

House in Committee (according to  
Order).

**THE EARL OF CARNARVON** moved,  
after Clause 5, to insert a new Clause  
to empower Her Majesty to exercise  
jurisdiction over British subjects in islands  
of the Pacific Ocean not within the juris-  
diction of any civilized Power; by Order  
in Council to create and constitute the  
office of High Commissioner in and  
over such islands, with authority to  
make regulations for the government  
of British subjects therein; to erect a  
Court of Justice for British subjects with  
civil, criminal, and Admiralty jurisdic-  
tion, corresponding with the authority

B



of the High Commissioner; giving power to Her Majesty in Council to make ordinances for the government of British subjects being within these islands; and conferring on the High Commissioner certain powers.

THE EARL OF KIMBERLEY said, he was glad the noble Earl had explained the clause—not for the purpose of anticipating any objection that might be made to it, but that their Lordships and the public should understand its meaning. It was necessary that power should be given to control British subjects in these parts, in order to prevent their committing acts that produced great difficulties. The clause would prevent such a state of things from growing up as had been the case in the Fiji Islands.

Clause *agreed to*, and *added* to the Bill.

Further Amendments made: the Report thereof to be received on *Friday* next; and Bill to be *printed*, as amended. (No. 88.)

#### INTERNATIONAL COPYRIGHT BILL.

(*The Earl of Derby.*)

(NO. 73.) SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF DERBY, in moving that the Bill be now read the second time, said, it was a very small Bill on a very large subject. It dealt with only one portion of the law affecting international copyright; it had passed without opposition through the House of Commons—it was supported by the literary interest in this country, and, indeed, he believed there was no objection to it in any quarter. The object of the Bill was to remedy a defect in the International Copyright Act of 1852. Their Lordships were familiar with the history of that Act. In 1851 a Convention on the subject of international copyright was concluded between England and France, and in the following year legislative form was given to that Convention by the passing of the Act now proposed to be amended—namely, 15 & 16 *Vict.*, c. 12. The Convention and the Act following it reserved to foreign authors of dramatic pieces the copyright of translations of their works, with a Proviso respecting “fair imitations or adaptations,” which was embodied in Section 6 of the Act, which ran—

*The Earl of Carnarvon*

“Nothing in the said Act contained shall be so construed as to prevent fair imitations or adaptations to the English stage of any dramatic piece or musical composition published in any foreign country.”

It was this section which the Bill now before the House would repeal. The reason for this proposal was that it had been held by our Courts that a translation of a French dramatic piece would be a “fair imitation or adaptation,” and consequently no longer a piracy, when there had been made some trifling alteration, such as the change of a title, of the names of the *dramatis personæ*, or of the scene of the play. Although the passing of the present Bill would remove from the consideration of our Law Courts the question whether a translation was a “fair imitation or adaptation,” the question as to what was or was not an imitation or piracy of a foreign dramatic piece would always be left to their decision. If Parliament gave its sanction to the measure, French authors would have the same protection in English Courts as English authors had in French Courts. French authors had not that protection at present. A Bill identical with this one had been proposed by the late Government. The present Government took it up last year, and it passed through the House of Commons, but by a misunderstanding it was allowed to drop. The noble Earl concluded by moving that the Bill be now read the second time.

Motion *agreed to*; Bill read 2<sup>d</sup> accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

#### INNS OF COURT BILL—

##### GENERAL SCHOOL OF LAW.

BILLS PRESENTED. FIRST READING.

LORD SELBORNE, in rising to call attention to the subjects of the Inns of Court and Legal Education; and to submit a Bill to make provision for the better regulation and government of the Inns of Court, and a Bill to establish a General School of Law in England, said, it would be in their Lordships' recollection that on the 10th of July last year he laid on the Table of their Lordships' House a Bill on the subject first referred to in his Notice. To that Bill some exception was taken by his noble and learned Friend on the Woolsack, who expressed his own views as to the proper manner of dealing with the subject.

For this expression of opinion he felt very much obliged to his noble and learned Friend, and in the Bill which he now proposed to lay on the Table would be found embodied the suggestions then made by his noble and learned Friend. The Inns of Court were ancient and very important public institutions of the country. The fact that they were public institutions in the sense that Parliament could properly deal with them as such had been disputed in some quarters; but, as he could not help thinking, on superficial and erroneous grounds. They were sometimes called voluntary Societies. No doubt, they were not originally constituted by the public law of the land, nor were they incorporated by law; but surely it was not a correct mode of expression to describe, as voluntary Societies institutions into some one of which every man was compelled by law to enter, if he was to exercise one of the most important professions in this country. No man could practise at the Bar without having been called to the Bar by one of those Societies, and no man could be called to the Bar by one of those Societies unless he first became a member of the Society which was to call him. In numerous Acts of Parliament the public interest in those Societies was recognized. He would mention but one. By the first statute passed in the fifth year of the reign of Elizabeth it was enacted that the Oath of Supremacy should be taken—

“By all manner of persons that have taken or hereafter shall take any degree of Learning in or at the common laws of this realm, as well utter-barristers as benchers, readers, ancients in any House or Houses of Court.”

The Inns of Court held their property from very ancient times, and had never used it except in a manner strictly consistent with the supposition that they held it as a public trust. There had, indeed, been in some of the Inns a privilege of chambers enjoyed by the members of their Governing Body; but that practice had, he believed, ceased. The whole history of the Inns of Court showed that their property had never been dealt with as private property. He held that all the four Inns of Court were institutions of the same nature and character; and as regarded two of them—the Inner and the Middle Temple—the Royal Commission appointed in

1854, by their Report in 1855, distinctly stated that the property of the two Temples was held upon a direct trust by the acceptance of a grant made by James I., which recited that “the Inns of the Inner and Middle Temple, London, being two out of those four colleges the most famous of all Europe,” were dedicated to the study of the law, and contained this provision—

“Which said inns, messuages, &c., for ourselves, our heirs, and successors, we strictly command shall serve for the entertainment and education of the students and professors of the laws aforesaid, residing in the same Inns, for ever.”

He ought almost to apologize for having said so much on the point to which he had been referring, but he had thought it well to do so in order to meet an objection that had been raised in some quarters. In 1854 a Committee of the House of Commons, which was composed of able men, and conducted its inquiries in a most careful manner, expressly recommended that the Inns of Court should be united and made to constitute a legal University, each retaining its separate collegiate character. The Royal Commission of 1854, to which he had already referred, made a similar recommendation; and in 1863 his noble and learned Friend on the Woolsack obtained from the Society of Lincoln's Inn a resolution in favour of the creation of a Legal University to which the various Inns of Court might be affiliated. On subsequent occasions resolutions, involving not less clearly the principle of public regulation in respect of these Societies, were adopted by Committees appointed by two of the other Inns of Court. Some years since, also, a Bill was introduced in the House of Commons by Sir George Bowyer, which passed through most of its stages without serious—if any—opposition from the Inns of Court, and would doubtless have been sent up to their Lordships' House but for a dissolution of Parliament, by which its progress was interrupted. That Bill, in accordance with another recommendation of the Royal Commission, proposed to give greater powers to the Inns of Court with respect to the discipline of the Bar than they now proposed, and to place the exercise of their powers under legal safeguards. He himself, while Chancellor—having for several years before interested himself in an Association for



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*The Earl of Carnarvon*

“Nothing in the said Act contained shall be so construed as to prevent fair imitations or adaptations to the English stage of any dramatic piece or musical composition published in any foreign country.”

It was this section which the Bill now before the House would repeal. The reason for this proposal was that it had been held by our Courts that a translation of a French dramatic piece would be a “fair imitation or adaptation,” and consequently no longer a piracy, when there had been made some trifling alteration, such as the change of a title, of the names of the *dramatis personæ*, or of the scene of the play. Although the passing of the present Bill would remove from the consideration of our Law Courts the question whether a translation was a “fair imitation or adaptation,” the question as to what was or was not an imitation or piracy of a foreign dramatic piece would always be left to their decision. If Parliament gave its sanction to the measure, French authors would have the same protection in English Courts as English authors had in French Courts. French authors had not that protection at present. A Bill identical with this one had been proposed by the late Government. The present Government took it up last year, and it passed through the House of Commons, but by a misunderstanding it was allowed to drop. The noble Earl concluded by moving that the Bill be now read the second time.

Motion *agreed to*; Bill read 2<sup>a</sup> accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

#### INNS OF COURT BILL—

##### GENERAL SCHOOL OF LAW.

BILLS PRESENTED. FIRST READING.

LORD SELBORNE, in rising to call attention to the subjects of the Inns of Court and Legal Education; and to submit a Bill to make provision for the better regulation and government of the Inns of Court, and a Bill to establish a General School of Law in England, said, it would be in their Lordships' recollection that on the 10th of July last year he laid on the Table of their Lordships' House a Bill on the subject first referred to in his Notice. To that Bill some exception was taken by his noble and learned Friend on the Woolsack, who expressed his own views as to the proper manner of dealing with the subject.

For this expression of opinion he felt very much obliged to his noble and learned Friend, and in the Bill which he now proposed to lay on the Table would be found embodied the suggestions then made by his noble and learned Friend. The Inns of Court were ancient and very important public institutions of the country. The fact that they were public institutions in the sense that Parliament could properly deal with them as such had been disputed in some quarters; but, as he could not help thinking, on superficial and erroneous grounds. They were sometimes called voluntary Societies. No doubt, they were not originally constituted by the public law of the land, nor were they incorporated by law; but surely it was not a correct mode of expression to describe as voluntary Societies institutions into some one of which every man was compelled by law to enter, if he was to exercise one of the most important professions in this country. No man could practise at the Bar without having been called to the Bar by one of those Societies, and no man could be called to the Bar by one of those Societies unless he first became a member of the Society which was to call him. In numerous Acts of Parliament the public interest in those Societies was recognized. He would mention but one. By the first statute passed in the fifth year of the reign of Elizabeth it was enacted that the Oath of Supremacy should be taken—

“By all manner of persons that have taken or hereafter shall take any degree of Learning in or at the common laws of this realm, as well utter-barristers as benchers, readers, ancients in any House or Houses of Court.”

The Inns of Court held their property from very ancient times, and had never used it except in a manner strictly consistent with the supposition that they held it as a public trust. There had, indeed, been in some of the Inns a privilege of chambers enjoyed by the members of their Governing Body; but that practice had, he believed, ceased. The whole history of the Inns of Court showed that their property had never been dealt with as private property. He held that all the four Inns of Court were institutions of the same nature and character; and as regarded two of them—the Inner and the Middle Temple—the Royal Commission appointed in

1854, by their Report in 1855, distinctly stated that the property of the two Temples was held upon a direct trust by the acceptance of a grant made by James I., which recited that “the Inns of the Inner and Middle Temple, London, being two out of those four colleges the most famous of all Europe,” were dedicated to the study of the law, and contained this provision—

“Which said inns, messuages, &c., for ourselves, our heirs, and successors, we strictly command shall serve for the entertainment and education of the students and professors of the laws aforesaid, residing in the same Inns, for ever.”

He ought almost to apologize for having said so much on the point to which he had been referring, but he had thought it well to do so in order to meet an objection that had been raised in some quarters. In 1854 a Committee of the House of Commons, which was composed of able men, and conducted its inquiries in a most careful manner, expressly recommended that the Inns of Court should be united and made to constitute a legal University, each retaining its separate collegiate character. The Royal Commission of 1854, to which he had already referred, made a similar recommendation; and in 1863 his noble and learned Friend on the Woolsack obtained from the Society of Lincoln's Inn a resolution in favour of the creation of a Legal University to which the various Inns of Court might be affiliated. On subsequent occasions resolutions, involving not less clearly the principle of public regulation in respect of these Societies, were adopted by Committees appointed by two of the other Inns of Court. Some years since, also, a Bill was introduced in the House of Commons by Sir George Bowyer, which passed through most of its stages without serious—if any—opposition from the Inns of Court, and would doubtless have been sent up to their Lordships' House but for a dissolution of Parliament, by which its progress was interrupted. That Bill, in accordance with another recommendation of the Royal Commission, proposed to give greater powers to the Inns of Court with respect to the discipline of the Bar than they now proposed, and to place the exercise of their powers under legal safeguards. He himself, while Chancellor—having for several years before interested himself in an Association for



the Promotion of Legal Education, which, however, did not contemplate any interference with the internal affairs of the Inns of Court—caused to be prepared, and circulated among the benchers of the different Inns, the draft of a Bill, which would have dealt, in one measure, with the Inns of Court and with legal education. The plan, however, which he then proposed did not meet with the approval of the Governing Bodies of these learned Societies; and he received no suggestion from any of them as to any other plan which they might prefer. Under these circumstances, separating the question of the Inns of Court from that of legal education, he thought it best to make his own proposition. He did so last year, and his noble and learned Friend on the Woolsack took exception to it. He had not a word to say to his noble and learned Friend's exceptions. On the contrary, he thought his noble and learned Friend had assigned valid reasons for them, and he had prepared the present Bill in strict accordance with his noble and learned Friend's suggestions. He proposed that the Inns of Court should have full liberty to take the initiative themselves in such charges as might be desirable; and Commissioners were to be appointed, by whom any ordinances which they might make were to be approved or disallowed, and who might themselves make ordinances—if none sufficient were made by the Inns of Court—subject to the approval of Her Majesty in Council, as had been provided by the Acts relating to the Universities of Oxford, Cambridge, and Durham. The Bill did not pledge the Commissioners to draw up any plan of organization defined in the Bill itself—the question of the particular plan was left open. All he now proposed to do was to lay the Bill on the Table, and to ask their Lordships to give it a first reading. He was unwilling to throw additional duties upon his noble and learned Friend, but having discharged a duty which he considered had fairly devolved upon him, he was ready not only to defer to his noble and learned Friend's judgment, but to surrender the Bill to him if he was willing to take charge of it.

Bill to make provision for the better regulation and government of the Inns of Court *presented* by The Lord SELBORNE.

*Lord Selborne*

THE LORD CHANCELLOR said, he was glad that his noble and learned Friend had not lost sight of this very important subject. He would examine the Bill with great attention, and should rejoice if something could be done. He rejoiced that his noble and learned Friend was willing to propose that legislation on the subject should take the course he had just indicated in his speech; and so far from wishing to take the matter out of his hands he thought it could not be in better, and was extremely anxious to give his noble and learned Friend every assistance in his power. If the Bill on examination proved to be of the character he expected to find it, he was sure the Inns of Court would come to the conclusion, not only that it was not hostile to their interests, but that it would be for their interest to promote the legal learning of their students.

Bill read 1<sup>st</sup>; and to be *printed*.

#### GENERAL SCHOOL OF LAW BILL.

##### BILL PRESENTED. FIRST READING.

LORD SELBORNE said, he had now to bring under the notice of their Lordships a subject quite distinct from that regarding which he had previously addressed them—namely, the subject of Legal Education. It was now many years since a very general current of opinion had set in, in condemnation of the system of Legal Education pursued in this country. The opinion of those who had considered the matter was that the position of Legal Education in England was inferior to that of Legal Education in any other civilized country of Europe. The Incorporated Law Society, which was composed of gentlemen practising as solicitors and attorneys, was entitled to the credit of having taken the first steps in the direction of improvement. So far back as 1836—with the concurrence of the Judges—they established an effective system of compulsory examination, to be undergone before admission of students to the practice of their branch of the Profession. In 1846, a Committee of the House of Commons inquired into the whole subject of Legal Education as affecting all branches of the legal profession. They made a valuable Report, which recommended the establishment of a Legal University for the purpose of a well-organized system of Legal Edu-

cation, contemplating, indeed, that in that system the Inns of Court should take the leading part, but so, that some parts, at least, of the instruction afforded by them should be made available, not only for the benefit of barristers, but also for that of the members of the other branches of the Legal Profession. In 1854, a Royal Commission was appointed, and that Commission affirmed the views of the Select Committee of 1846 as to the deficiency of our system of Legal Education. One consequence of these movements was that in 1851 the Inns of Court organized, for the benefit of students for the Bar, a Council of Legal Education, which appointed Readers on different branches of the law, who were paid out of the funds of the four Societies. That plan was a narrow one, and had been attended with only small results. He did not mean to say it was not a good beginning, but he did say that it would be a very unsatisfactory end. In 1870, there was formed an association of persons desirous of establishing a larger and better system of Legal Education. They desired to have a University or General School of Law founded on comprehensive principles, in which students for whatever branch of the Profession might be instructed, and the Bill which he now desired to introduce contained provisions to that end. Three principles had been adhered to in the propositions he now made to the House, and in the Bill which he laid on the Table last year. The first of those was, that it was desirable that a General School of Law should be established in the Metropolis, by public authority, in the government of which the Crown should have some share of authority, and both the great branches of the Legal Profession should be fairly and impartially represented. The second was, that it was desirable, in the establishment of such a school, to provide for examinations, to be held by examiners, impartially chosen; and to require certificates of the passing of those examinations which might respectively be deemed proper for the several branches of the Legal Profession, as necessary qualifications—after a time to be limited—for admission to practice in those branches respectively. The third was, that the benefits of the course of study and of the examinations conducted in the Legal University should be

open to all students, whether their intention was to follow the profession of the law or not, and in whatever branch of that Profession those who meant to follow it might intend to practise. Those propositions had received the concurrence and support of a very large number of persons interested in Legal Education—of many Judges, and leading and junior members of the Bar, and of the great body of solicitors throughout the country. They were communicated to the Inns of Court, and also to the Incorporated Law Society—which latter body expressed its approval of them, with the condition that in the management of the proposed institution there should not be an undue preponderance of either branch of the Profession over the other. As to the Inns of Court, Committees of great weight and learning, appointed by two of them—Gray's Inn and the Middle Temple—gave in their adhesion to the main principles of those propositions; but the Committees of the other two—Lincoln's Inn and the Inner Temple—dissented from them, expressing a wish to keep their education for the Bar entirely distinct, and in the hands of the Inns of Court: and the narrower opinion eventually came to be adopted by majorities among the Benchers of all the four Societies. On the 11th of July, 1871, he moved a Resolution in the House of Commons embodying those propositions; he was supported by a Petition numerous signed by members of the Profession and, among other eminent persons, by favourable opinions from some of the leading Members of the Royal Commission of 1854. No conclusion was arrived at on that occasion. And here he begged permission to refer to a matter which was a little personal to himself. In January last, in a periodical of some note—*The Quarterly Review*—there was an article on this subject, which, after stating that many persons had at first expressed their concurrence with the objects of the Association to which he had referred, without understanding them, proceeded to remark—

“Even the venerable Lord St. Leonards sent a contribution to its funds of 300 guineas, which has not yet been returned to him—”

meaning, he (Lord Selborne) supposed, that faith had not been kept with that learned, excellent, and venerable man. Now what were the facts? Three

days after he spoke in the House of Commons and moved the Resolutions to which he had adverted, he received, unsolicited in any way whatever, this letter from Lord St. Leonards, dated the 14th of July, 1871—

“I have been considering the proposal to establish a Legal College, in which you take so great an interest. No one is more bound than I am to support such an institution. I request you, therefore, to put down my name as a subscriber of 400 guineas—half to the foundation, and the other half to establish a prize for merit in such a manner as you and those who act with you may direct.”

He felt much gratified and encouraged by the support of so eminent a person, and one so highly qualified, after considering them as he had done, to judge of and appreciate the character of the proposals which he had made. Shortly afterwards, Lord St. Leonards appeared to think that his benefaction would not be useful unless efforts were made to collect general subscriptions for the object contemplated, and on October 2, 1871, having paid the money, which was duly invested, he wrote to inquire what was doing in that respect. It was then explained to him that it was not proposed to apply to the public for subscriptions, because in the view of many of those who supported the plan it would probably be found capable of being carried into effect without subscriptions: and if they should eventually be thought necessary, it was, at all events, considered advisable to defer any effort of that kind till the principles of the scheme should have received the sanction of the Government or of Parliament. Lord St. Leonards's reply, dated the 11th of October, 1871, was this—

“As I have perfect confidence in you and your judgment, I wish you to act as you think right in regard to the funds in question.”

So matters then remained. But on the 1st March 1872, he again moved two Resolutions in the House of Commons. The Government then spoke in terms which were very encouraging as to the future, though they were not disposed to commit themselves to a vote in favour of the Resolutions at that time, and, accordingly, it was their wish that a division should not be taken; but, after consulting with those with whom he acted, it was thought proper that a division should be taken, when 103 voted for the Resolu-

*Lord Selborne*

tions, and 116, including Members of the Government, against them. He did not himself feel discouraged by that result; but the venerable Lord to whom he had referred (Lord St. Leonards) appeared to think, under those circumstances, that the foundation of the School of Law for which he had given his benefaction would have to be indefinitely postponed; and, accordingly, he wrote to say that after the division he no longer thought the scheme could be regarded as immediately practicable: he therefore suggested that it might be proper that the money should be returned to him. As soon as possible after receiving that communication—on the 4th of June, 1872—the stock in which the 400 guineas, with its accumulations, had been invested—namely, £454—was re-transferred to him; and, contemporaneously with that—on the very same day—Lord St. Leonards sent a draught for 200 guineas to be used for any purpose connected with the objects of the Legal Education Association, which he (Lord Selborne) might think proper: intimating that he then contemplated dedicating the other half of his original gift to similar purposes, in connection with the system of Legal Education conducted by the Association. Their Lordships would now see how very well informed this writer in *The Quarterly Review* must have been. In point of fact, the whole original benefaction was returned, and a new benefaction of half the original amount was then deliberately made for the general purposes of the Association. In 1872 his (Lord Selborne's) position became materially altered by his acceptance of the Great Seal, and he retired from the Presidency of the Association. The Government of Mr. Gladstone never had the opportunity of taking the matter up, but, of course, he (Lord Selborne) was desirous of submitting to them his scheme. He accordingly prepared a draft and circulated it—with what result he had already stated. Last year, being out of office, he introduced a Bill with such amendments as his communications with individual Benchers of the Inns of Court, and with the Council of the Incorporated Law Society, had led him to make. His noble and learned Friend on the Woolsack was good enough to a certain extent to express his views on that subject also; and with regard to one very

main principle of that Bill — that the education to be given in the School of Law should be comprehensive and not exclusive, and should aim at opening as far as possible the education and instruction in law to everybody who might be desirous of taking advantage of it, without any reference to the question whether it was his intention to go to the Bar or to practise as an attorney or solicitor, or not become a lawyer at all, his noble and learned Friend intimated very clearly that he, at least, did not differ from that principle. On that point also he (Lord Selborne) had been repeatedly and strangely misrepresented. It had been imputed to him and to those with whom he acted that they wished to break down the lines of demarcation which now separated the barrister from the attorney and solicitor, and to introduce the American principle of indiscriminate practice. But on every occasion on which he had the opportunity of expressing himself in public on this subject, either in Parliament or at the meetings of the Association while he was their President, he had uniformly stated, not only that this was in no way an object of the Association or of his scheme, but that his opinion was strongly and decidedly in favour of maintaining the distinction between barristers and attorneys and solicitors. As to the education of the two branches of the Profession—while he considered that the same instruction should be open to all students—it was not intended to require that any students should necessarily receive any part of their instruction from the Professors or Lecturers of the General School of Law, or go through any examination except those qualifying them for a particular line of practice. All that he contended for was that an institution like this would lose half its value if it were narrow or exclusive, and that whatever instruction was given, whatever examinations were conducted by it, should be open to all, leaving men to choose for themselves what instruction they would receive and where they would receive it, and not attempting to draw a line between those who were preparing to be barristers or solicitors and those who were not intending to practise at all. That was his principle—that Legal Education, to be put on a proper basis, should not run narrowly into two grooves of mere pre-

paration for the Bar and mere preparation for attorneys and solicitors. He apprehended that was a sound view. So thought the Committee of the House of Commons in 1846. They said that a system of Legal Education to be of general advantage must comprehend and meet the wants not only of the professional, but also of the unprofessional student; that for the further education of the solicitor it would be highly advisable he should also have, even while an articled clerk, opportunities for attendance on certain classes of lectures in the Inns of Court, and also on others of a nature more special to his own profession in the Law Society of which he might happen to be a member. Mr. Lowe, before the Commission of 1854, said this—

“I think legal education is a much larger question than the education of the Bar or even of the Bench. I think it is exceedingly desirable that every English gentleman who is independent and whose time is at his own disposal should be educated in law to a much greater extent than is now the case.”

Everyone who had given his mind to this subject had taken the same view. He might quote from the well-known work of Mr. John Austin as to the inestimable advantage it would be if a sound and legal education could be acquired, as he at that time proposed, by the establishment of a Faculty of Law in this metropolis—how it would promote improvement in the form and substance of the law, in legislation, and in juridical literature. These were advantages which could only be derived from a large and comprehensive system. With respect to the present more narrow system, although during the time this question had been in agitation, the Inns of Court had added largely to their contributions and in many respects had improved their rules, increased their teaching staff, and made considerable efforts to prove themselves worthy of the exclusive position which they claimed, he was bound to tell their Lordships that, according to the information he had received, the attendance of students in the private as well as public classes had been and was declining, and so far from the scheme succeeding in proportion to the efforts made to sustain it, the result was very different. He hoped there was no man living who upon proper occasion would stand up more



firmly for the honour, advantage, and importance of the Bar of England than he would. Certainly no man was under greater obligations to them than he was. But he could not see, as respected the honour, advantage, or importance of the Bar of England, what could be gained by the depression or disparagement of the other branch of the Profession. That branch was much more numerous, and in its own way certainly not less important. It was entrusted with the dearest interests of society throughout the Kingdom; it comprised as a rule men of high honour and integrity—and he would have thought, if the great body of solicitors desired to have a system of Legal Education established to which those who might hereafter join their ranks should be admitted on equal terms—and 8,000 out of the 10,000 solicitors had petitioned the House of Commons in favour of the Resolutions which he proposed in 1872—that there was no body in England who had a greater interest in promoting in every way the honour, dignity, and importance of the other branch of the Profession than the Bar. If anything was to be done, he could not think it would be wisely done upon principles so narrow as those which now found favour with the Inns of Court. But he did not at all despair of progress in that quarter. In 1871 Committees appointed by two of the Inns of Court, as he had stated, expressed themselves in favour of the leading principles which he advocated. Down to 1869, compulsory examination was resisted by Lincoln's Inn; and yet, afterwards, when this Association was formed, Lincoln's Inn agreed to compulsory examination, which was now the rule. And now he wished to refer to a point upon which he had not the advantage of agreeing with his noble and learned Friend on the Woolsack—namely, the expediency or in expediency of establishing a School of Law or an Examining Body only. His noble and learned Friend spoke strongly in favour of the latter; and, undoubtedly, if that should be the decision of Parliament, there would still be advantage in applying those principles of comprehensiveness and liberality of which he had spoken, although there might be only an Examining Body. But he never had been one of those who thought there was wisdom in the attempt to divorce in a University the

*Lord Selborne*

function of examination from the function of teaching. Great care should, of course, be taken to prevent the Examiners from being chosen by or from those who conducted the teaching. But everyone who had ever admitted the importance of Legal Education in substance meant that there should be not merely examinations, but also the means of good instruction in the principles of law. That the institution which he proposed to establish should be a teaching body was not an essential principle of the Bill, though it was one to which he attached importance, and he hoped their Lordships would adhere to it. He now asked their Lordships to read the Bill a first time; it was in some respects altered from the Bill of last year, upon the suggestion of the Incorporated Law Society, but its leading principles were the same. The Bill proposed to incorporate a School of Law to be governed by a Senate, partly nominated by Her Majesty, partly by *ex officio* members filling important positions in the Law, the principal Judges, the Law Officers of the Crown, and the President and Vice President of the Incorporated Law Society; partly by members to be nominated by the Inns of Court and the Incorporated Law Society; and partly by members to be elected by barristers and solicitors. That body was to superintend the examinations and the instructions to be given in the School of Law. No one was to be required to pass a preliminary course of instruction in that or any other school. No one was to be admitted to practise at the Bar or as a solicitor who had not passed a suitable examination in the School of Law. What certificates were to be required for qualification and for practice in each branch of the Profession were to be determined with the concurrence of those who governed that particular branch, with appeal to the Judges. Power was also given, if funds should come in, to establish a teaching system. These being the leading principles of the Bill, he now begged to present it to their Lordships.

Bill to establish a General School of Law in England *presented* by The Lord SELBORNE.

THE LORD CHANCELLOR said, he would not now enter into any detail on this subject. He would only say that he

was not obstinately wedded to his own opinion; but he had seen no reason to change the opinions which he expressed in that House last Session. He did not see how his noble and learned Friend proposed to provide funds for teaching in his School of Law—if it was to be made anything beyond an Examining Body, where were the funds to come from? His own opinion was that if Parliament attempted to establish a School of Law as a teaching body it would paralyze all the efforts at teaching made by the Inns of Court and the Incorporated Law Society—that the work would not be so well done, and that it would not be for the advantage of the public that it should be undertaken. His own opinion was that in Law as in Medicine, we should have examination only. If they provided only an Examining Body, all that would be necessary to procure funds would be to take care that everyone who presented himself for examination should pay a fee sufficient to cover the expense. But these were details which would be better discussed when their Lordships saw the specific measure which his noble and learned Friend laid on the Table.

Bill read 1<sup>a</sup>, and to be *printed*.

#### BOSTON ELECTION.

The LORD CHAMBERLAIN acquainted the House that Her Majesty had appointed *Thursday* next, at a quarter before Two o'clock, at Buckingham Palace, to be attended with the Address of both Houses on the Boston Borough Election. A message sent to the Commons to inform them thereof, and that the Lords had appointed the Lord Steward and the Lord Chamberlain to attend Her Majesty therewith on the part of this House, and to desire the Commons to appoint a proportionate number of its members to go with them.

Message from the Commons that they have appointed Mr. Disraeli, Mr. Secretary Cross, Mr. Secretary Hardy, and the Comptroller of the Household to wait upon Her Majesty with the Address respecting the last Election and Return for the Borough of Boston.

#### VIVISECTION REGULATION BILL [H.L.]

A Bill for regulating the practice of Vivisection—Was *presented* by The Lord HENNIKER; read 1<sup>a</sup>. (No. 85.)

House adjourned at a quarter before Seven o'clock, to Friday next, half past Ten o'clock.

## HOUSE OF COMMONS,

*Tuesday, 4th May, 1875.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Justices of the Peace Qualification \* [151].

*Second Reading*—County Surveyors Superannuation (Ireland) \* [65].

*Committee*—Peace Preservation (Ireland) [77]—R.P.

*Third Reading*—Elementary Education Provisional Order Confirmation (Brighton) \* [129]; Falsification of Accounts \* [121], and *passed*.

The House met at Two of the clock.

#### BOSTON ELECTION.

The Lords acquaint this House, That Her Majesty has appointed *Thursday* next, at a quarter before Two o'clock, at Buckingham Palace, to be attended with the Address of both Houses of Parliament on the late Election for Boston; and that the Lords have appointed the Lord Chamberlain and the Lord Steward to attend Her Majesty therewith on the part of their Lordships; and that the Lords do desire the Commons to appoint a proportionate number of its Members to go with them.

*Ordered*, That Four Members of this House do go with the Lords mentioned in the said Message, to wait upon Her Majesty with the said Address.

*Ordered*, That Mr. Disraeli, Mr. Secretary Cross, Mr. Secretary Hardy, and the Comptroller of the Household do go with the Lords mentioned in the said Message:—

Message to the Lords to acquaint them therewith.

#### ITALY—TARIFF TREATIES.

##### QUESTION.

MR. POTTER asked the Under Secretary of State for Foreign Affairs, Whether he is prepared to state to the House the information which the Government has received from the Italian Government in reference to the probable changes in the Commercial Tariff of that country?

MR. BOURKE: Sir, Her Majesty's Government are aware that it is proposed by the Italian Government to modify the Tariff Treaties now in force between Italy and other European Powers. England has no Tariff Treaty with Italy, but we have a Treaty of Commerce and Navigation still in force, which contains the usual "most-favoured nation" clause. Under these circumstances, it is clear that British interests are affected by any changes that may be made in the Commercial Treaties which exist between Italy and other

Powers, inasmuch as we gain by any concession which Italy may grant to them and lose by its withdrawal. The matter is felt by Her Majesty's Government to be one of importance. Sir Augustus Paget has received instructions with regard to it, and it will continue to receive the most careful attention of the Foreign Office. It would, however, be premature to lay Papers on the Table, as the matter is still under discussion.

#### LAW AND JUSTICE—SERJEANTS AT LAW.—QUESTION.

SIR GEORGE BOWYER asked Mr. Attorney General, Whether Her Majesty's Government have decided on discontinuing for the future the ancient degree and dignity of Serjeant by refusing to grant the coif?

THE ATTORNEY GENERAL: Sir, in answer to the Question of the hon. Member, I have to state that the selection of gentlemen for the degree and dignity of Serjeant at Law does not rest with the Government, but with the Lord Chancellor, who is alone responsible for the selection he may make. Under these circumstances, my hon. Friend will, I think, see that I am not in a position to give any more definite answer to his Question. I may, however, mention that by the 8th section of the Supreme Court of Judicature Act of 1873 it is enacted that no person appointed a Judge of that Court should thenceforth be required to take or to have taken the degree of Serjeant at Law.

#### ARMY—MEDICAL OFFICERS.

##### QUESTION.

MR. G. E. BROWNE asked the Secretary of State for War, Whether it is his intention to recommend an increase in the half-pay of Medical Officers of the Army after twenty years' service, as has recently been done in the Navy; and, if so, when a Warrant on the subject is likely to be issued?

MR. GATHORNE HARDY, in reply, said, that the complaints of the medical officers of the Army were receiving full consideration, but it would be premature to express an opinion upon one part of the case. He was informed that the hon. Gentleman had not correctly represented what had been done in the Navy;

*Mr. Bourke*

but, at all events, he was not at present in a position to answer the Question.

#### THE SUNDAY ACT—TERRY v. BRIGHTON AQUARIUM COMPANY.

##### QUESTION.

MR. GIBSON (for Mr. ASHBURY) asked the Secretary of State for the Home Department, Whether his attention has been drawn to the case of Terry v. the Brighton Aquarium Company, and to ask him whether he will bring in a Bill to repeal or amend the Act 21 Geo. 3, c. 49, so as to relieve the Judges of the necessity of giving decisions which they publicly state are unreasonable.

MR. ASSHETON CROSS: Sir, the attention of the Government has been called to the decision of the Judges in this case; but the Brighton Aquarium case does not seem to go to the full extent to which the judgment may possibly be applied. I have therefore thought it right that an inquiry should be made as to how far this judgment will really take effect. Until I have received an answer to the question I cannot tell the House what the intentions of the Government are in the matter.

#### LAW AND JUSTICE—THE FROME MAGISTRATES.—QUESTION.

MR. WAIT asked the Secretary of State for the Home Department, Whether his attention has been directed to the committal to gaol for fourteen days, by two magistrates at Frome, on the 29th of April, of a woman sixty-six years of age, and of previous irreproachable character, for stealing coal of the value of one halfpenny, such committal being based on the uncorroborated evidence of one policeman, who did not see the accused take the coal; and, whether, assuming the case to have been correctly reported, it is his intention to revise the judgment of the justices?

MR. ASSHETON CROSS, in reply, said, it was a matter of some regret that paragraphs of this description which appeared in the newspapers were taken hold of on which to found a Question without first inquiring into the true facts of the case. He had received a very large number of letters containing the same extract cut from a newspaper. His attention having been called to the case before this Question was placed upon the Paper, he communicated with the magis-

trates, and also with the magistrates' clerk, and he had received from the latter a statement which put a different complexion upon the case. It appeared that the woman had been employed for some time as charwoman at the Frome schools, and that the police had received information from several quarters that it was the woman's daily habit to carry away coal and fuel under her cloak from the schools. She was accordingly watched by the police, and on the very first occasion she was watched she was seen to come away with a large piece of coal concealed under her cloak. When the policeman spoke to her she denied that she had anything, but afterwards she told him that if he would go home with her she would show him what it was, and when they got to the woman's home she produced a piece of coal, stated how she came by it, and asked for forgiveness. The magistrates, considering that these petty thefts had been going on for some time, and by a person of trust, thought it necessary to pass this sentence.

#### ARMY—VOLUNTEERS IN CAMP.

##### QUESTION.

MR. HICK asked the Secretary of State for War, If he intends to authorise the issuing of great coats to Volunteer Corps going into camp under canvas, or to increase the Capitation Grant?

MR. GATHORNE HARDY: Sir, the rule is to issue five great coats per company for regimental camps, to be worn only for guard-mounting and sentry duty. At the Autumn Camps of Exercise with the Regular Forces, great coats for the full number of Volunteers are lent in accordance with regulations. There seems to be no reason for making any alteration in the present practice.

#### PARLIAMENT—PRIVATE TELEGRAPH WIRES—ST. STEPHEN'S CLUB.

##### QUESTION.

MR. M'CARTHY DOWNING: Sir, in asking the Question which appears in my name on the Paper, I may be allowed to state that certain rumours were afloat last night as to a particular division, and motives were attributed to certain parties whose feelings ought to be satisfied on the subject. I beg to ask the First Lord of the Treasury, Whether it is the

fact, that a Division wire extends to the Saint Stephen's Club; if so, is the said club to be regarded as a portion of this House; and, if it is not, is it proper that the said wire should be continued?

MR. DISRAELI: It is not, Sir, a fact that a Division wire extends from this House to St. Stephen's Club. I have made inquiry into the matter, and I find that there is a private wire which extends to St. Stephen's Club, and which was established at the cost of that Club. But it is a privilege which is shared by other Clubs of different political opinions; and, therefore, I do not suppose that the hon. Gentleman is of opinion that it is necessary to take any further notice of the exercise of a privilege which is convenient alike to Members on both sides of the House.

#### ASCENSION DAY—COMMITTEES.

*Ordered*, That Committees shall not sit upon Thursday, being Ascension Day, until Two of the clock, and have leave to sit until Six of the clock, notwithstanding the sitting of the House.—(Mr. Disraeli.)

#### PARLIAMENT—PUBLICATION OF DEBATES AND EXCLUSION OF STRANGERS.—QUESTION.

MR. PEASE asked the noble Lord the Leader of the Opposition, What course he intends to adopt in reference to the Motion which stands in his name for this evening?

THE MARQUESS OF HARTINGTON, in reply, said, that in reference to the Question of his hon. Friend the Member for Durham he had to make another appeal to his hon. Friend the Member for Derby (Mr. Plimsoll.) Since yesterday he had ascertained that a very general wish prevailed that the Motion which stood in his name should be discussed as soon as possible, and he regretted to say he did not see any probability of being able to bring it on on an early day unless he had an opportunity of doing so that evening. He thought the time at the disposal of the Government was not likely to be sufficient to enable them to give him an opportunity of bringing forward his Motion at another time. The right hon. and gallant Member for Stamford (Sir



John Hay) had very kindly stated that it was not his intention to bring on his Motion that evening; he understood from the hon. Member for Wexford (Mr. O'Clery) that he would probably occupy but little time with his Motion; and he therefore wished once more to appeal to his hon. Friend the Member for Derby, and to ask him whether, considering the general interest felt in his (the Marquess of Hartington's) Motion, the hon. Member would be willing to withdraw his Motion that evening to enable his (the Marquess of Hartington's) Motion to come on. Under any circumstances, he would bring on his Motion that evening if he could do so before half-past 10 o'clock.

MR. PLIMSOLL said, he was very sorry to withdraw his Motion respecting the draft of water of seagoing vessels, because it touched human life, and was not a question of abstract politics; but as he had been told it would be rather prejudicial than beneficial to those whose cause he was advocating to bring on his Motion under the circumstances, he accordingly, and very regretfully, withdrew his Motion from the Paper of that evening.

#### THE TICHBORNE CASE—PERSONAL EXPLANATION.

MR. WHALLEY: Sir, in pursuance of an intimation which the right hon. Gentleman in the Chair permitted me to give to him, it is my intention to ask the House to allow me an opportunity of making a personal explanation. It refers to a statement made by the right hon. Baronet the Member for Tamworth (Sir Robert Peel) yesterday week, and this is the first opportunity I have had since my return to town of calling the attention of the House to it. I do not see the right hon. Baronet in his place, although I gave him Notice two or three days ago about it and again yesterday; and as he is not present it would be more satisfactory to my own feelings if the House would allow me to state that I will call attention to the subject at half-past 4 o'clock on Thursday next and give the explanation then which I was prepared to offer now.

#### PEACE PRESERVATION (IRELAND)

BILL—[BILL 77.]

(Sir Michael Hicks-Beach, The Solicitor General for Ireland.)

COMMITTEE. [Progress 3rd May.]

Clause 5 (Continuance of certain parts of Protection of Life and Property in certain Parts of Ireland Act. 1871.)

SIR PATRICK O'BRIEN moved, in page 4, at end, to add—

“ Provided always, That, from and after the passing of this Act, so much of the said Act as applies to any portion of the King's County shall be and the same is hereby repealed,”

and called attention to the fact that whilst the King's County comprised 12 baronies six of them were included in the Schedule of the Act, some of them being the largest baronies in the county, When the Act was originally introduced, he felt that his duty to his constituents obliged him to oppose it; but whatever cause there might then have existed for this most stringent Act, he felt assured that there was not now even the shadow of a reason for continuing it for his county. The Committee would be surprised to learn that during the many years of its existence not one imprisonment had occurred in the King's County under the Act. When the measure was first introduced, he had ventured to draw an illustration from surgery relating to the propriety of its imposition. He stated that the famous surgeon, Hunter, had denominated an operation as the *opprobrium medici*, and had designated having recourse to such penal and stringent legislation without first exhausting existing law, the opprobrium of legislation. Baron Dowse, who then was the Law Officer of the Government conducting the Bill, replied that Hunter's observation, though generally true, did not apply to the case then under consideration, as there was no remedy for a gangrene but excision, and that that was unfortunately the condition of Westmeath and the other counties included in the Bill. Would the Government venture to state that such was the then condition of the King's County? Was there a single Member in that House who would rise in his place and make such an assertion? He was certain there was not. It had been stated that in certain other counties there were some few ill-disposed persons who dominated over the whole neighbourhood, and cowed

the well-disposed of the community. He (Sir Patrick O'Brien) could only say if that were so, it would say little for their manhood. With reference to the King's County, no such band of marauders existed in its midst, nor could the right hon. Baronet the Chief Secretary for Ireland point out within it any individual enjoying the bad eminence attributed to Captain Duffy. He (Sir Patrick O'Brien) unfortunately, during his political connection with the King's County, had not enjoyed a political quiet life, and for the purpose of his argument he would ask the permission of the House to very shortly summarize its social and political status during that connection. On the occasion of his first contesting the county there existed, he was sorry to say, much political animosity and sectarian antagonism; but as time wore on, all that was happily changed, and he might state that on the occasion of his contesting the county with an able and distinguished gentleman, now by the favour of Her Majesty's Government presiding over a most important portion of our Colonial Empire, nearly every Protestant in the county voted for the Catholic, Mr. Hennessy, whilst on the same occasion a large number of the Catholic constituency voted for Mr. King, a Protestant gentleman, enjoying a deserved popularity with all classes in that county. He mentioned the subject to them to show that mutual toleration and kindly feeling had a rapid growth in the people of that county, and that their present state was, that whilst preserving with firmness their political and religious opinions, all recognized in the fullest sense "the right to differ." He might tell the Committee that the King's County was of considerable length, and he would therefore pick out portions of it at each end and parts of the middle of the county, in order to illustrate the position he assumed, as to the kindly feeling existing amongst the upper, middle, and lower classes. On the coming of age, some short time ago, of the generous and popular young nobleman, whose untimely death the people of King's County had during this year to deplore, the people of Tullamore and the surrounding districts took occasion to give to the Earl of Charleville a perfect ovation. In Birr, the high character and great scientific reputation of the late

Earl of Rosse were regarded as an honour to the entire county, and a memorial recently erected testified to the veneration entertained for his memory by all classes of his fellow-countrymen. At the other end of the county, in the neighbourhood of Edenderry, the family of Downshire were justly regarded as amongst the best landlords in Ireland, and a lady (Miss Nesbitt) had shown her appreciation of the good feeling and good conduct of her poorer neighbours by subscribing the munificent sum of £10,000 to a local railway. So much as regards the relation between classes. Would the Committee allow him to refer very shortly to some of the towns in the county? Birr was a town selected by many families, unconnected with its neighbourhood by any ties of property, as their residence, testifying to their appreciation of the genial and kindly qualities of its people. Tullamore, the county town, had been rapidly progressing for years past, and was now at least amongst the best of Irish inland towns. Its Town Commissioners had petitioned that House against the Bill, and he would read a very few passages of their Petition, as they expressed the case for excluding the King's County, better than any words of his could do—

"They justly refer with pleasure to the peace, order, and morality existing throughout the county, and assert the entire freedom of the county from crime of any description."

They further asserted—

"That from the passing of the Coercion Act to the present time not a single prisoner has been in gaol under the Act."

They also said—

"That the extraordinary legislation now so long imposed is having direct, tangible, and growing evil influence on the trade and property of the county, and that the discredit cast by so high an authority as the Legislature seriously affects all trading and manufacturing operations, and determines the value of landed and all other properties."

He (Sir Patrick O'Brien) would, therefore, call on all fair men in that House not to join in casting undeserved stigma on a county which he had feebly attempted to describe. No doubt, in that debate, the awful and outrageous murder which had been perpetrated near Fербane might be referred to. He did not wish, whilst the trial of persons were still pending, to review all the circumstances of that frightful deed; but he

might observe that this murder took place within one of the baronies included in the Schedule of the Act, and notwithstanding its operation, isolated cases—in his county he should more correctly use the singular number, and say case—might occur in the most peaceable neighbourhoods. Yet, surely, if some awful incident happened in England, in Scotland, or in Wales, they would not, from a solitary case, make the rash generalization that all the neighbourhood were impregnated with a spirit of outrage. It was not an Irishman who had written—

“There never yet was human power,  
That could evade if unforgiven,  
The patient search and vigil long,  
Of him who treasures up a wrong.”

He (Sir Patrick O'Brien) could assure the Committee that he offered that Amendment to their acceptance from no desire to catch a fleeting popularity. In the year 1866, when the country was threatened with a revolution, he had had the courage of his opinions, and had voted for the suspension of the Habeas Corpus Act; but on this occasion there was no case. They were continuing an Act which could be productive of no good, and could only tend to irritate and embitter classes in Ireland.

#### Amendment proposed,

At the end of the Clause, to add the words “Provided always, That, from and after the passing of this Act, so much of the said Act as applies to any portion of the King's County shall be and the same is hereby repealed.”—(*Sir Patrick O'Brien.*)

SIR MICHAEL HICKS - BEACH said, he hoped that the Committee would dissociate the general condition of King's County from the condition of that small part of it which was included within the provisions of the Act. As to the general condition of the county, however, he did not think it was quite such a model to the rest of Ireland as the hon. Baronet's remarks might lead the Committee to suppose; for the Chairman at the last Quarter Sessions in one of the districts of King's County had, in addressing the grand jury, described the condition of the county as not showing improvement, but signs of increasing disquiet. The special provisions of this Westmeath Act applied only to six baronies of King's County, and the hon. Baronet, on looking at the map and

*Sir Patrick O'Brien*

seeing the relation in which those baronies stood with Westmeath, would find how impossible it was to define the limit within which the Ribbon conspiracy existed merely by a county boundary. Of course, it would be in the power of the Lord Lieutenant to exclude the county from the operation of the Act if he found he could do so with propriety. Under these circumstances, he could not consent to the Amendment of the hon. Baronet.

Question put, “That those words be there added.”

The Committee *divided*:—Ayes 80; Noes 258: Majority 178.

SIR PATRICK O'BRIEN then moved an Amendment the object of which was to repeal the provision of the Act which enabled the Lord Lieutenant to prohibit any prisoner from holding any communication, either by word of mouth or in writing, with any other person not in the service of Her Majesty or duly authorized by the Lord Lieutenant. The marginal note to this section, which he wished to have repealed, stated that the persons committed under the Act should be treated as untried prisoners, and he held that it was never intended that a man who had never been tried, but merely placed in custody for the purpose of preventing him from doing mischief outside the prison, should be deprived of any opportunity of meeting his family and friends, and communicating with them. The seclusion prescribed by the Act amounted almost to solitary confinement. He therefore moved his Amendment.

#### Amendment proposed,

At the end of the Clause, to add the words “Provided always, That so much of said Act as provides that ‘it shall be lawful for the Lord Lieutenant, if he think fit, to prohibit any prisoner committed under it from holding any communication, either by word of mouth or in writing, with any other person not being in the service or employment of Her Majesty, or duly authorised by the Lord Lieutenant as ‘he shall direct to hold such communication,’ shall be and the same is hereby repealed.”—(*Sir Patrick O'Brien.*)

SIR MICHAEL HICKS - BEACH said, the object of the Act was to authorize the imprisonment of men who might be dangerous outside and to prevent them from doing mischief; and the persons so arrested were to be treated as untried prisoners. But if the present Amend-

ment were adopted it might entirely nullify the intention of the Act, as it might be possible for the most notorious criminal arrested under the Act, by holding communication with visitors from his part of the country, to direct all the operations of the plot, and be just as mischievous from his prison as if he were outside. So far as members of a prisoner's family were concerned, under certain restrictions they were allowed to hold communication with him by the late Government; and no doubt if it were necessary for the present Government to arrest persons under the Act, subject to all the necessary precautions, they would also allow such communication.

MR. BUTT supported the Amendment. He held it to be absurd to say that if they allowed a prisoner to talk with his wife or daughter he could direct the Ribbon conspiracy from his prison and convulse the whole country. That was impossible under the existing prison regulations, and the Committee ought not to be influenced by such imaginary terrors. If the Bill passed in its present form then every old form of persecution would be set at liberty. The Westmeath men would be sent mayhap to Cork, where they would be kept apart from their families, and in many cases the family of the prisoner were not allowed to know his whereabouts. If there was any justification for these measures four years ago there was none now.

MR. O'SULLIVAN said, he was able to deny in his own experience the statement made by the Chief Secretary for Ireland, that prisoners were allowed to see their families; for he was himself in prison for 121 days before he was allowed to see one single member of his family, and he was imprisoned for 30 days before he was allowed to write a single letter to anyone outside of his prison with reference to his business affairs, and that although no charge had been brought against him. The prisoners were, he might add, subjected to daily insult and persecution, the gaolers in many instances boasting that they would make bankrupts of them before they were discharged from custody; and when set at liberty they were able to obtain but very little redress against these men. He would support the Amendment.

MR. P. J. SMYTH pointed out that when the Westmeath Act was originally introduced the grounds of its enactment were grossly exaggerated, and that now that county would bear comparison for peace and order with any in England or Scotland. There was no justification, therefore, he contended, for casting such a stigma upon it as the present Bill would inflict. He had visited the reported leader of the Ribbon conspiracy when he was in prison. On going to the county of Westmeath three months after, he was surprised to find this man at liberty, and on making inquiries he found that he had been liberated upon a memorial addressed to the Lord Lieutenant by the magistrates at whose instigation they were passing this Act.

MR. KNATCHBULL-HUGESSEN wished to know whether all that was required to be done could not be effected by means of the prison regulations, which it appeared the Lord Lieutenant was empowered to make? If so, the words to which the hon. and learned Member for Limerick (Mr. Butt) objected might be unnecessary.

SIR MICHAEL HICKS-BEACH said, it was believed by the late Government that it was necessary these powers should be possessed by the Lord Lieutenant, and after a careful consideration it was thought necessary to insert the words now complained of, in order to prevent an abuse of the prison regulations.

MR. MITCHELL HENRY said, it was not right for the present Government to shelter itself, as it so frequently did in this matter, under the wing of the late Government; and it was no argument for them to say that they did this thing and that thing because the late Government thought this or that necessary. He remembered what happened last year when the right hon. Gentleman at the head of the Government proposed to continue these Acts. The right hon. Gentleman took a favourable view of the case, and he promised that the Acts should be solemnly considered, and that a new Bill should be brought in altogether. Well, a new Bill had been brought in, but it was so incomprehensible that, in fact, he did not believe the Law Officers of the Crown had studied the previous Acts at all. When such questions as those of the previous night, affecting the Habeas



Corpus Act, were asked the Government, they were unable to answer them satisfactorily. He did not believe that English gentlemen were prepared to keep persons in prison for two years before they were tried, or to allow that they might be locked up alone for 22 out of every 24 hours without communication with any human being, though the imprisonment might last for three or four years. He could quite understand their believing the necessity for very stringent regulations when Fenianism was in action in Ireland, and when the state of Westmeath was alarming; but Ireland was now in a totally different condition. All necessity for such stringent and severe enactments had passed away. If the Government had proposed this Bill in a spirit of conciliation, they ought to have known every point that would be raised. That they had not done so had been shown by the concessions which they had made upon some important points. The question raised by the Amendment now before the Committee was an important one, affecting as it did the liberty of the subject.

THE MARQUESS OF HARTINGTON said, that while it was true the provisions of the Westmeath Act had been considered by the late Government, it was impossible he could recollect the reasons which led them to adopt every single provision. He thought, therefore, it was to be regretted that the Chief Secretary for Ireland should be able to give no better answer to the objections which had been raised against these provisions than that they had been deemed to be necessary by the late Government. He wished to point out that regulations issued by the Lord Lieutenant would be applicable to all the prisoners, and therefore he considered the power given by this clause to be necessary.

MR. BUTT said, that neither the right hon. Baronet nor the noble Marquess seemed to be acquainted with the facts. The Lord Lieutenant had the power of making the general regulations for prisons under the Act, which were, before being confirmed, laid before Parliament. He had made the regulations, and they had been laid before Parliament. Anything more severe could not be imagined. It was impossible to give any excuse for this abominable legislation, against which the heart of

every Gentleman in that House was revolting. [*A laugh.*] He was sorry to hear that laugh; but he warned the House that by such inhuman legislation it was fostering the resentment of the Irish people. With respect to the remarks of the noble Marquess and the Chief Secretary, he would say that he did not make this a Party question. He hoped it would not be so treated in that House, and he would appeal to hon. Members on both sides of the House, as English Gentlemen, to treat it as a question of humanity and justice.

MR. CONOLLY, as the Member to whom the hon. and learned Gentleman had just referred, wished to say that they were dealing with illegal societies, and if they imprisoned men without taking the precaution of preventing them communicating with persons outside, they would be acting the part of fools, and not of practical men.

MR. SULLIVAN wanted to know how a prisoner could direct a confederacy from his cell, where he could see no one, and whence he could not write a letter that would not be subject to inspection. The legislation now proposed was intended to agonize the hearts of captives, and to inflict the direst cruelty, the deepest wounds that had been inflicted upon prisoners for 500 years. [*A laugh.*] The laughter of hon. Members was as if they jested over their mothers' graves. Were such legislation to pass in Italy, with the name, say, of Murphy Italianized into Morfini, what exclamations of horror and indignation would ring throughout England! He himself had been subjected to imprisonment for a political offence, and was kept in the prison in which he had been a member of the Board of Superintendents. The warders treated him kindly, but there was one thing that they could not allow him. He had one child, two and a half years old, and no prison regulation would allow him to see his child. He was denied a sight of his little one until the physician of the gaol, a person differing in politics and religion from himself, by the exercise of what he might term a pious fraud, obtained for him a sight of his child by passing it in as one of his own. He protested before Heaven that he would rather have suffered the loss of one of his ears than have been denied the sight of that little child; yet a peasant confined under this

*Mr. Mitchell Henry*

Act, and who had never been heard in his own defence, might be denied under this clause an interview with his wife or child, even in the presence of the prison warders. He denounced such legislation as an atrocity, and called upon the House, in the name of common humanity, to reject it summarily and decisively.

SIR HENRY JAMES said, he thought some argument in favour of the retention of the Proviso of the Act of 1871 ought to have come from the Solicitor General for Ireland. It was scarcely a sufficient answer to say that it had been agreed to by a previous Parliament, to which some of the present Members belonged. It was no Party question, and he wished to explain his own particular reasons for voting against the Amendment. By the section under discussion two powers were given. The first power was given to the Lord Lieutenant to make general regulations affecting prisoners. These regulations had to be submitted to Parliament, and it was desirable that they should be as lightly drawn as possible. If they were made to suit exceptional cases they would be too severe. At the same time, however, exceptional cases might require exceptional rules. There might be private signals and communications between the members of an illegal confederacy, notwithstanding the presence of a warder, and it would therefore be desirable to trust the Executive with the powers demanded.

MR. BUTT said, the Lord Lieutenant had the power to make general regulations under the statute for these special prisoners, and he could not therefore see what he wanted with these special powers.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) observed, in reference to some remarks of the hon. and learned Member for Taunton (Sir Henry James), that he had not risen before, because the reasons why the Amendments could not be accepted by the Government had been stated by his right hon. Friend the Chief Secretary. The hon. Member for Galway (Mr. Mitchell Henry) had, however, charged him with having neglected to answer important questions. He was in the recollection of the Committee, and stated that he had not declined to answer one single question. He was sure the Committee would excuse him for not replying to such an attack.

MR. MITCHELL HENRY explained that what he had said was "satisfactory answer."

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, it was impossible for him always to answer a legal question in a manner which would fall in with the hon. Member's views. With respect to the Amendment, he had only to say that the provision of the Bill to which it referred was an exceptional one, and was meant to meet an exceptional state of things. It was absolutely necessary in special cases to provide that it should not be possible for a prisoner so to communicate with other persons as, perhaps, to counteract the whole policy of the Act. But as in other respects the persons in custody under the Act were to be dealt with as "untried prisoners," in giving this special and exceptional power to the Lord Lieutenant it was necessary to explain the manner in which it was to be exercised in this particular.

MR. O'CONNOR POWER observed, that the Government had failed to point out what danger would arise from a prisoner being able to communicate with his friends. The power which the Government wished to place in the hands of the Lord Lieutenant was, in his opinion, arbitrary in its character and quite unnecessary.

MR. MACARTNEY observed, that the whole subject now under the consideration of the Committee had been very fully and very ably discussed in the last number of the *Revue des Deux Mondes*—which reflected the public opinion of a great part of France and of Europe—in connection with the state of Sicily, which was just now much disturbed by brigandage, while acts of murder and rapine were rife throughout the island. That state of circumstances had induced the Italian Government to place Sicily under the operation of a special law, analogous in principle to the Bill under consideration, and in the article to which he referred that legislation was vindicated and approved.

MR. VANCE remarked that the legislation with respect to the outrages in Westmeath had been most successful. He thought the Government had acted wisely in proposing the present measure, and he trusted that the House of Commons would assent to it. He believed the powers would be temperately exer-

cised, and would not be retained a moment longer than they were needed.

LORD ROBERT MONTAGU thanked the hon. Member for Tyrone for his promised vote in favour of the Amendment. [Mr. MACARTNEY: No, no!] Well, the argument of the hon. Member was in its favour; for if the Westmeath Act was applicable to the state of things referred to as existing in Sicily, they were wholly inapplicable to Ireland, which was admitted to be in a peaceable condition. He thought the Government were now going too far in respect to the sister country.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 121; Noes 291: Majority 170.

SIR PATRICK O'BRIEN having given Notice of the next Amendment, page 4, at end, to add—

"Provided always, That nothing herein contained shall be deemed to continue in force or operation the Preamble of the said Act,"

THE CHAIRMAN pointed out that the Amendment of the hon. Baronet was irregular, inasmuch as it was not proposed by the present Bill to re-enact the Preamble of the Act.

SIR PATRICK O'BRIEN explained that he had put the Motion on the Paper from a recollection of what happened when the right hon. Gentleman the Member for Liskeard (Mr. Horsman) was Chief Secretary for Ireland, when some portions of the previous Act having been withdrawn, the right hon. Gentleman thought it necessary that the corresponding portion of the Preamble should be omitted, and that was done with the approval of Lord Eversley and of Lord John Russell, who were both of them eminent authorities in matters of Parliamentary procedure. He bowed, however, to the decision of the Chairman.

THE CHAIRMAN repeated that a Preamble was not matter of enactment.

Amendment, by leave, *withdrawn*.

MR. BUTT moved, in page 4, at end, to add—

"Provided always, That nothing in the said Act contained shall authorise the imprisonment or detention of anyone, without being brought to trial, for more than one year from the date of his arrest."

The hon. and learned Gentleman briefly

*Mr. Vance*

contended that nothing could be more arbitrary or more tyrannical than that a man should be allowed to remain in prison for upwards of 12 months with a charge hanging over him, and without being brought to trial.

Amendment proposed,

At the end of the Clause, to add the words "Provided always, That nothing in the said Act contained shall authorise the imprisonment or detention of any one without being brought to trial for more than one year from the date of his arrest."—(Mr. Butt.)

Question put, "That those words be there added."

The Committee *divided*:—Ayes 159; Noes 237: Majority 78.

MR. MUNDELLA moved the Amendment which had just been rejected, with the substitution of the words "13 months" for "12 months." He came down to the House that afternoon for the sole purpose of supporting the Amendment of the hon. and learned Member for Limerick (Mr. Butt). He had expected that the Chief Secretary would explain why it was necessary to detain a man in prison for two years previous to being brought to trial—why it was necessary to vote away the liberties of three counties. Ignorant as he was of the technicalities of the law, he never dreamt that men could be arrested and kept in prison for an indefinite period before being brought to trial. It might be urged that this Act only applied to three counties; but if it referred to only three men he should expose such exceptional legislation. He moved therefore this Amendment to enable the Government to make some explanation on the subject.

Amendment proposed,

At the end of the Clause, to add the words "Provided always, That nothing in the said Act contained shall authorise the imprisonment or detention of any one without being brought to trial for more than thirteen months from the date of his arrest."—(Mr. Mundella.)

THE CHAIRMAN reminded the hon. Member who moved the Amendment that the more usual course would have been to have proposed it as an Amendment on the last Amendment.

SIR MICHAEL HICKS-BEACH said, that if he did not reply to the hon. and learned Member for Limerick, it was from no want of respect towards him, but simply because in the few words he

addressed to the Committee he gave no reason why they should fix a period of 12 months, neither had the hon. Member for Sheffield given a reason why it should be 13 months. He had understood the hon. and learned Member to object to the Act *in toto*. When it was urged that 12 months or 13 months was a sufficient time to keep Ribbonmen in prison, if, unfortunately, it should be necessary to arrest them, he would appeal to the facts of the case. When the Act was originally passed and the Ribbon conspiracy was in a state at which he hoped it might not again arrive, kept down as it would be by the dread of that Act, it was found necessary by the late Government to arrest and imprison a certain number of the leaders of that conspiracy; and according to a Return presented this Session of those who were thus arrested it was requisite to detain in prison at least an average of four out of five for a period of more than one year. And why was that? Because it was felt that if they were released at an earlier time the effect of their detention would have been lost, and they would have returned to their localities again to carry on the conspiracy for which they had been arrested. Why, he asked, should the Committee not give the present Government the same powers as it gave twice to a former Government, and which were practically contained in the Act? For the question was not for how long a particular person should be kept in prison, but for how long those powers of imprisonment should be vested in the Irish Government? The Committee had already decided that that period should be two years. For what reason should it be less? It was said that 12 months was enough; but he had shown that in the vast majority of cases it was not enough. If those powers were vested in the Irish Government again for two years, it would be their duty to ascertain how long it was necessary by the continuance of the Orders under the Act to keep those exceptional powers in force. He could assure the Committee that the moment they obtained information that they were no longer needed in the districts affected those powers would not be continued. [*A laugh.*] Hon. Gentlemen might laugh; but they were not aware of the great pains taken by the Government in administering

those Acts. The moment they could obtain information which would warrant the revocation of the Order it would be at once revoked; but suppose they should be mistaken, and the result of the revocation should be that the conspiracy was to break out in force, and they should at once re-impose the Act, they would be placed in this dilemma—they would have to deal with circumstances similar to those which prevailed when the original Act was passed, and they would be deprived of the powers they had possessed for keeping persons in prison for a period sufficient to keep down the conspiracy. From the mode in which the Government had administered these exceptional and unconstitutional powers he hoped the Committee would repose confidence in future Administrations, and would rest assured that no man would be kept in prison after his arrest for a single day longer than was warranted by the exigencies of the case.

MR. MACDONALD cordially supported the Amendment, holding as he did that Governments should be Governments of order and not of threat. A few years ago the country was startled with the information which was imparted to them, chiefly by the late Prime Minister of this country, the right hon. Member for Greenwich, that the dungeons of Naples were filled with persons who were rotting there. A cry of indignation arose from the English people, and the doors of these prisons had to be thrown open; yet they were now asked to close the doors of some of the prisons of a part of Her Majesty's dominions against men who were to be confined at the will of the Government. He set his face against such a proposal, and hoped a majority of the British House of Commons would do the same.

MR. BUTLER-JOHNSTONE said, that in this case it was the exception that proved the rule; we were obliged to pass Acts like these to justify unconstitutional acts which in Naples were committed by an irresponsible ruler. No doubt, it would be far better, if they could, to bring these men to trial; but it was a peculiar feature of this conspiracy that they could not get the evidence. He saw no reason for adopting the Amendment.

LORD ROBERT MONTAGU said, the two cases were not so different as



the hon. Member for Canterbury supposed. In Naples they saw the end of a system, but this was merely the beginning here, and tyrannies always commenced in this way. They were not sent to Parliament to trust the Government, but to protect the liberties of the subject, and the *onus probandi* was upon the Chief Secretary to prove the necessity for these powers. It was unconstitutional that men should languish in an Irish Bastile for two years without being brought to trial.

MR. MITCHELL HENRY held that it was an outrage on the liberty of the subject to keep men in prison longer than was necessary to prepare evidence against them. If all suspected persons were promptly tried before they were condemned, then the world could judge whether or not there existed any Ribbon conspiracy.

SIR GEORGE CAMPBELL said, he was exceedingly sorry to prolong this debate; but as a very new Member he felt much difficulty with regard to the vote he should give. It might be said, as a new Member, he would be justified in following older Members; but having been in an official position, and having had some experience of measures of this kind, he felt a certain responsibility upon himself in giving his vote. It was his desire to support the Government in a matter of this kind if he could consistently do so; but this was a very grave measure, which could only be justified by very exceptional circumstances. The question had not been put before the House in an intelligible shape, and he altogether objected to the manner in which the Bill had been drawn. It did not state on the face of it what was to be enacted, but referred to a number of provisions contained in other Acts of Parliament, none of which provisions were set forth. The result was that no new Member—or, in fact, any mortal man—could understand what the Bill proposed, and he gathered from what had passed that the Government themselves hardly understood their own Bill.

THE CHAIRMAN pointed out that the Question before the Committee was the Amendment of the hon. Member for Sheffield, and not a general discussion of the Bill.

SIR GEORGE CAMPBELL said, his observations were designed to show that

as regarded this particular Amendment, and any other Amendment, the Committee had not sufficient material before them upon which to found an opinion.

MR. JACKSON said, he thought that they were much indebted to the hon. Member (Mr. Mundella) for having given the Committee an opportunity of debating this question. The Chief Secretary for Ireland contended that it was incumbent on those who proposed to limit this power to show reason for the limitation, but he maintained that obligation lay upon those who proposed such exceptional legislation to show reason for it. He had failed to understand the grounds upon which the Government thought it necessary that the power asked for should be without limit. The power of imprisonment must be either for punishment or for precaution. If as a punishment, then, surely an imprisonment of 13 months was sufficiently long for a man who had not been, and who for want of evidence could not be, put upon his trial; if, as a precaution, the power of re-arresting a prisoner who returned to his former practices was a sufficient safeguard. He thought it but reasonable and humane that such a limit should be accepted; and, indeed, it was repugnant to all men to think that a fellow-creature might be left languishing in prison from year to year without having the opportunity of being brought to trial. The hon. Member (Mr. Butler-Johnstone) contrasted this case of Ireland with that of Naples, and happily there was a wide difference—but in both cases there was the same deep-seated objection to imprisonment without being brought before his accusers, and it was for this purpose that the hon. Member for Stafford had referred to Naples.

MR. HERBERT said, he hoped the Government would give way upon this point, for such a concession would lead to the expectation that legislation of this kind would some day cease altogether. He believed that everyone on his side of the House was in favour of the Amendment.

MR. NEVILL observed, that he had listened carefully to the arguments used during the discussions upon this Bill; and he was anxious to support the Government in the performance of their difficult task. He had, however, felt himself bound, upon more than one occasion, to vote against the Government,

and in favour of some limitation of the powers conferred by the Bill. Upon the present occasion, also, he felt bound to vote in favour of limiting the period of imprisonment to 13 months, though he did so with the greatest diffidence.

MR. HOPWOOD contended that it lay upon the Government to show why they should vote for a longer period of imprisonment than that mentioned in the Amendment. They were asked to give these extraordinary powers at the same time that they were told that there was not a single Ribbonman in prison under them. It was their duty to watch carefully over the liberties of the subject; and not lightly to vote that a man might be kept for a long period in prison without power of appeal of any sort.

SIR CHARLES RUSSELL said, the reason why he should vote in favour of the powers contained in the Bill was because he thought he was voting on the side of mercy. He asked why it was there was not a single Ribbonman now in prison? He asserted that it was because of the powers contained and proposed to be continued in this Bill. It was because the severity of the punishment had acted as a deterrent, and it was the duty and interest of the Government to have punishments framed which were sufficiently severe to prevent misguided individuals from subjecting themselves to the penalties of the law.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 171; Noes 250: Majority 79.

MR. ENNIS moved, in page 4, at end to add—

"Provided always, That from and after the passing of this Act so much of the said Act as applies to the county of Meath shall be and is hereby repealed."

He thought there was no reason why the county of Meath should come under the provisions of the Act, because for sometime there had been no crime and outrage there. At Assizes after Assizes the Judges congratulated the Grand Jury upon the state of the county.

Amendment proposed,

At the end of the Clause, to add the words "Provided always, That from and after the passing of this Act so much of the said Act as applies to the county Meath shall be and is hereby repealed."—(Mr. Ennis)

SIR MICHAEL HICKS-BEACH observed that the Government could not accept the Amendment for the reasons he had already given in reference to the Amendment of the hon. Baronet the Member for King's County (Sir Patrick O'Brien).

MR. PARNELL supported the Amendment. He said, the Act was passed in 1871 with the object of meeting a Ribbon conspiracy which was supposed at that time to exist. The Chief Secretary had not shown that any such conspiracy now existed, and as no reasonable grounds had been shown, there was no reason why the Act should be continued.

MR. FAY vindicated the character of the county of Meath from the charge of lawlessness so frequently made against it by alarmists, whose fears, when examined, were found to be groundless. Perhaps, however, it was useless to expect much from a Government which had refused to allow a poor prisoner to see his wife and children.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 71; Noes 290: Majority 219.

And it being after ten minutes before Seven of the Clock, the Chairman left the Chair, to report Progress.

Committee report Progress; to sit again *this day*.

And it being now Seven of the clock the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

#### SPAIN—THE CIVIL WAR—RECOGNITION OF BELLIGERENT RIGHTS.

##### RESOLUTION.

MR. O'CLERY moved—

"That, in the opinion of this House, it is desirable that, having regard to the extent and prolongation of the Civil War in Spain and the interests connected with this country therein involved, the belligerent rights of that portion of the Spanish population who maintain in their provinces the claims of Don Carlos to the throne of Spain be recognized by Her Majesty's Government."

The hon. Gentleman observed, that the recognition of the belligerent rights of the Carlists was worthy of the consideration of the House, and in urging such a

step on the Government he would briefly review the history of the struggle in Spain. Three years ago, while the Duke of Aosta reigned at Madrid, the Carlists raised in the North of Spain the flag of their legal and recognized King, Don Carlos. The movement was commenced by a handful of volunteers in the mountains of Catalonia and Biscay; but now the Carlist Army numbered 75,000 well-trained, well-disciplined, and well-armed men, having at their command from 180 to 190 pieces of artillery. This was a significant fact which could not be ignored in the consideration of this subject. Again, Don Carlos had not an army only, but likewise a thoroughly organized Government in the North of Spain which directed and utilized the resources of that part of the country. Thus a new Power had sprung up in Europe, small indeed as regarded territory, but powerful enough to resist the attacks of its enemies. The relations between the Powers of Europe and this new country were of such an uncertain and doubtful character that they had threatened to disturb the general peace of the Continent. England, as a maritime Power, had much to do with the new kingdom, because it consisted not only of large inland portions of Spain, but it was master of a considerable coast line and several seaports. The Government at Madrid was virtually powerless to prevent our commerce from suffering serious injury. Several vessels while endeavouring to enter Bilbao had been fired at, because they would not recognize the Carlist authority, and he might mention particularly the cases of the *Caroline*, an English steamer, and the *Gustav*, a German vessel. The question before the House involved, therefore, matters of great interest to British merchants. It might naturally be asked what had the Carlist movement done, and what had it achieved to establish a right to be recognized? He would answer that the movement had, notwithstanding all the agencies brought to work against it, existed for three years, and not only had it existed, but it had increased materially in strength. On the other hand, what could they say of the Madrid Governments which had attempted in vain to put down this movement? In comparing the Carlist Government and the Madrid Governments, it would be found that while the same

*Mr. O'Clery*

men had remained at the direction of the Carlist movement throughout the three years of its existence, the Government at Madrid had constantly been changed. There were many reasons why the Government of Don Carlos should be recognized, and one was that the various Governments at Madrid had virtually recognized it.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. O'CLERY resumed: The Government of Castelar had virtually recognized the Carlists as belligerents by exchanging prisoners with them, and the Carlists were regarded by the Spanish Government, not as insurgents, but as a Power actually at war with it. Even at a very recent date prisoners had been exchanged between the contending parties under a treaty. The Carlists had an army as strong as we had in the United Kingdom. Their bravery had won the administration even of their enemies. Vattel laid down the dictum that when an insurrectionary Power had assumed such dimensions as to utterly debar the Government of the country from acting within certain limits, it was the duty of foreign Powers to recognize the so-called insurgent Power as far as the protection of life and property in that country was concerned. England had over and over again acted upon that principle, and, taking into consideration the facts that the Government at Madrid had failed to give peace to Spain, that the Carlist King, Don Carlos, had an Army of 75,000 strong, and that the Basque Provinces were virtually a new kingdom, ruled by a regularly organized Government, it became necessary that other Powers having commercial interests in Spain should recognize the Carlists. In conclusion, the hon. Member said, he thought he had shown good grounds for presenting his case to the consideration of the House, and therefore he begged to move his Resolution.

MAJOR O'GORMAN seconded the Motion.

Motion made, and Question proposed,

"That, in the opinion of this House, it is desirable that, having regard to the extent and prolongation of the Civil War in Spain and the interests connected with this Country therein involved, the belligerent rights of that portion of the Spanish population who maintain in their



provinces the claims of Don Carlos to the throne of Spain be recognised by Her Majesty's Government."—(*Mr. O'Clery.*)

MR. BOURKE said, interesting as the subject was, he did not intend to trespass upon the attention of the House for more than a few moments, because he knew they were anxious to consider the other matters that were on the Notice Paper. The question of the period at which belligerent States should be recognized by neutral and friendly States was doubtless one of a very interesting character; but, at the same time, it was a question concerning which it was almost impossible to lay down any general principles. What Mr. Canning said in 1825 had always been recognized as authoritative respecting the belligerency of certain States, and remained true at the present time—namely, that it was a question of fact rather than of principle, and depended entirely upon certain circumstances of each individual case. The first and main question to be considered in cases of this kind was, whether it was necessary that we should recognize a portion of the population of another country as belligerents? He listened with great attention and expectation to the hon. Gentleman who had just spoken, because he perceived in the Resolution the words "in the interests of this country," and he (Mr. Bourke) thought it was very probable that the hon. Member would have endeavoured to show that, so far as the interests of this country were concerned, it was desirable that the belligerency of the Carlists should be recognized; but he had failed to hear from the hon. Gentleman anything to support such a proposition, which, after all, was the proposition which the hon. Member had to maintain. In every case it was necessary to consider the history of the insurgents, their resources, their organization, the population as compared with the parent State, and, above all, their capabilities and the probabilities of their being able to hold their own as an independent State, if left to themselves. In the case of land warfare it was almost impossible to say—where a State was not contiguous, that there was any necessity whatever in the interests of the recognizing State to recognize the insurgent State before it had completely established its independence; because it was impossible to point out any one interest

which, if the State was not contiguous, could be affected by a state of war, provided that that war was only carried on by land. In maritime warfare it was, of course, different, because if the cruiser of an insurgent State could manage to go about destroying the commerce either of the parent State, or of a neutral State, it became an important matter for all the persons interested in commerce to endeavour to find out the status of the insurgent State. They must be either pirates or belligerents; and, of course, everyone knew that unless they were treated as belligerents, they could have none of those rights upon the sea which were generally accorded to belligerents, and must be treated to all intents and purposes as pirates. In the case of a maritime war all kinds of questions arose, directly the war broke out, as to the right of capture, the right of seizing goods on board neutral vessels, and as to those maritime rights which were accorded to belligerents, and which, of course, pirates could not possess. In the American War, England recognized the Confederate States at a very early period of the struggle, the reason for the recognition by this country and by other countries mainly being that the Confederates had cruisers on the seas, and that it was absolutely necessary for our own safety as well as that of other countries to recognize them as belligerents. Those were some of the considerations which must be applied in cases where it was proposed to recognize belligerent and insurgent States. How could they be applied to the present question? In the first place, the Carlists had no ships, and therefore the general inducements which acted upon this country to recognize the Confederate States could not apply to the Carlists, who must be looked upon as persons carrying on an insurgent war by land. He had failed to discover in the speech of the hon. Gentleman any reasons showing the necessity to recognize the Carlists as belligerents. In fact, it was impossible to point out any single interest in this country which would be affected beneficially by the recognition of the Carlists, and that, after all, was the point they had to consider. When the Carlist position was considered, they must also consider the past history of Spain, and the events which had taken

place with regard to the distinguished warriors in question. In the Seven Years' War, between 1836 and 1841, the position of the Carlists was very much the same as it was now, and their position was certainly no better now than it was then. During the whole of that time they were never recognized as a belligerent Power. It was perfectly true that at the present time they occupied a very large portion of the north-east of Spain; but, at the same time, it was equally true that the Government of Madrid occupied almost all the large towns in that portion of the country in which the Carlists were strongest—Pamplona, Vittoria, Lograno, San Sebastian, Irun, Fuenterrabia, Bilbao, and one or two other large towns. It was doubtless perfectly true that the Carlist forces were exceedingly strong in the mountain districts, and he believed that the hon. Member had not overstated the strength of those forces. No doubt, also, the Carlists had a large artillery force; but it must be recollected that their great strength arose from the nature of the country, which was extremely favourable to the Carlist mode of warfare, and that they never attempted to occupy any large portion of Spain beyond the district to which for many years they had been historically attached. He did not intend to enter into the question of the age of the present Government of Spain; he did not think the question was as to a comparison between the age of the Government of Spain and the age of that of Don Carlos, because the fact was that the whole of Spain, with the exception of the part to which he had alluded, recognized willingly and cheerfully the Madrid Government. Beyond that they had nothing to do. It was not their affair which was the best Government or which was the worst; all they knew was that, with the exception of part of Biscay and Navarre and a portion of Catalonia which was held by the Carlist forces, the rest of the country willingly accorded its allegiance to the present Government at Madrid. Under those circumstances, he did not think the House could hesitate for a moment in refusing to assent to the Resolution of the hon. Gentleman. He trusted that the hon. Gentleman would be satisfied with this discussion, and would not proceed to divide the House upon his Motion. He did not wish to say one word against the Carlists, a brave race

*Mr. Bourke*

and having amongst them some of the hardest warriors in the world; but acting upon the principles which this country had always followed with regard to the recognition of belligerents, Her Majesty's Government did not see that they could accord belligerent rights to the Carlists.

MR. MELDON said, as his hon. Friend had failed in showing any benefits which would ensue from the recognition of the Carlists, he ought not to press his Motion to a division.

MR. O'CLERY, in reply, remarked that, in his opinion, the policy enunciated by the Under Secretary of State for Foreign Affairs was rather a dangerous one to follow; and urged that the recognition of the Carlists by England would be an act worthy of this country and of the position which England occupied as a civilized Power. With regard to the direct interests of this country he had already stated that our commercial interests were largely bound up with those of the North of Spain. As he conceived that the virtual recognition recorded to the Carlists, on the part of the hon. Gentleman opposite, would strengthen the resources of the Carlist Army, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

#### PARLIAMENT—PUBLICATION OF DEBATES AND EXCLUSION OF STRANGERS.—RESOLUTION.

THE MARQUESS OF HARTINGTON: The subject, or rather the two subjects, to which I propose to call the attention of the House this evening has been brought on more than one occasion before its notice within a recent date; but the House has not considered it necessary to take any action in relation to the matter, probably for the reason that no great or serious practical inconvenience was found to have resulted from the existing state of things, and from the circumstance that this House is always unwilling to alter any of its Rules or Orders merely to meet a theoretical grievance as opposed to a practical grievance. During the present Session, however, incidents have occurred which have caused the House to be of opinion that both the subjects to which I propose to call attention are in a position which requires the further consideration of the House. The Resolutions which I have

placed upon the Paper deal, as the House will observe, with two points. The first Resolution deals with the question of the publication of the reports of our debates, and the last two Resolutions deal with the question of the exclusion of Strangers. As to the publication of our debates, the House has always entertained—or appears to have entertained—very considerable jealousy on the subject of the publication of any reports of its debates. The reason for that seems to have been that in the time of Charles I. and his Successors, very unpleasant consequences frequently ensued in consequence of words which were spoken by Members of this House. I do not think I could give a better account of the reasons which appear to have prompted this jealousy on the part of the House with regard to the publication of its debates than by reading a short extract from a speech which was made by Lord Campbell—a much greater authority than I can pretend to be—on the occasion of the introduction of a Bill which dealt, among other things, with the present subject. Lord Campbell, on the second reading of the Bill, said—

“The reason why the Orders prohibiting the publication of the debates had been passed by both Houses was this:—During the progress of the struggle between the Crown and the two Houses of Parliament every effort was made by the two Houses to prevent the Crown from exercising the illegal power which it had usurped of punishing Members for what they spoke in Parliament, and it was then that these Orders were made. Secrecy was then of great importance, because when the Crown heard that proceedings which it disapproved were going on in the House of Commons next morning, the Black Rod would knock at the door and summon the Commons to the Upper House, and Parliament was dissolved. Sometimes matters went further than this. Members were summoned before the Privy Council and examined as to their speeches, and if they could not give a satisfactory explanation they were sent to the Tower, there to pass their time until the prorogation. It was to prevent the Crown from getting notice of what was going on in Parliament that these Orders were made, and they were chiefly directed against the publication by Members of their own speeches. On the 13th of July, 1640—not to go further back—the Commons ordered that ‘No Member shall either give a copy or publish in print anything that he shall speak here, without leave of the House;’ and on the 22nd of March of the same year—‘That all Members of the House are enjoined to deliver out no copy or notes of anything that is brought into the House, propounded or agitated in the House.’ On the 28th of March, 1642, the Commons resolved that ‘What person soever shall print or sell any Act or passages of

this House under the name of a diurnal or otherwise, without the particular licence of this House, shall be reputed a high contemner and breaker of the privilege of Parliament, and punished accordingly.”—[3 *Hansard*, cxlix. 953.]

Lord Campbell further stated—

“Until the year 1771 both Houses set their faces stedfastly against any publication of any part of their proceedings: but the Rule was violated by reports under fictitious names. There were reports, for instance, of the proceedings of the Parliaments of Lilliput and Utopia, in which the speeches of Bolingbroke and other great speakers of the reigns of Anne and the first two Georges were given under fictitious names. But there was great apprehension that the publisher of these might at any time be sent to prison. Since 1771, however, the Rules against the publication of reports had been relaxed, in consequence of a memorable crisis that then occurred, and of which an excellent account was given in Lord Mahon’s history, when the House of Commons tried to enforce their order to prevent the publication of debates, and sent a messenger to arrest the publisher. But the messenger himself was arrested and sent to Giltspur Street Compter; and although the House of Commons sent the Lord Mayor and an Alderman to the Tower for contempt, the House was finally baffled, and from that time any person who pleased had published the debates in Parliament without fear.”—[*Ibid.*, 955.]

I might enlarge on this subject. I might remind the House that the debates as to what took place during that protracted conflict of which Lord Campbell reports merely the conclusion are now only known to us through the agency of an hon. Member who happens to have been a relative of my own. Since the House entered into that memorable conflict with the printer of a newspaper and with Mr. Wilkes, these Orders that still remain have practically fallen into disuse. We have retained on our Journals Resolutions which declare it to be a breach of the Privileges of the House for any person to report our debates; yet we have in the construction of the House in which we now sit provided accommodation especially for the use of reporters, and the House unanimously considers at this day that the publication of our debates in the public journals is of great advantage not only to the public but also to themselves. It is a convenience to ourselves to be able at all times to refer to the admirable reports of our proceedings which are given in some of the papers; and I am sure we all agree in thinking that it is of the greatest possible public importance to have the proceedings of this House faithfully reported to the public out-of-doors, that the constituen-



cies may know what their Representatives are doing; and I believe we all concur in the opinion that the best political education which the people of this country can have is to read accurate reports of the debates conducted within these walls. Well, if the House has retained those Orders on its Books, I conceive that it has done so with the object of retaining the power, if it should think necessary to use it, of punishing the publisher of any newspaper that should maliciously misrepresent the debates in Parliament, or commit any other offence with reference to the publication of Parliamentary proceedings. Since the conclusion of the contest to which I have referred, it has happened on more than one occasion that printers and publishers of newspapers have been summoned, or that a Motion has been made that they should be summoned, to the Bar of the House, nominally on account of Breach of Privilege committed by publishing debates, but really on account of wilful and malicious misrepresentation of what has passed here. Well, if this is the present position of affairs, it may be asked what practical object there is in proposing any alteration. Reporters are admitted within our walls, and the House is glad that its debates should be published, and only retains this power for exercise in the case of misrepresentation. Well, the practical object appears to me to be this. In the first place, the House, by its present Rules, may be placed at any time in a false position. It is in the power of any Member to call attention to the publication of our debates; and, as happened a very short time ago, the House being, perhaps, somewhat taken by surprise, may have no alternative but to affirm the principle that the publication of the debates, which the House at all times considers to be a useful and salutary proceeding, is a breach of its Privileges. There is another practical object that can be attained. In case of it being necessary to take proceedings against the publisher of a newspaper for wilful misrepresentation, it seems to me to be of the highest importance that in a case where a conflict may occur between this House and the Press or as has occurred before now with Courts of Law—that this House should occupy a perfectly clear and logical position, and should not be placed in the condition of assuming to prosecute

the printer or the publisher for a Breach of Privilege, when what the House really complains of is not the publication but a misrepresentation of its proceedings. A further question may then be asked why, if any alteration is to be made, I do not repeal the Orders referred to in Lord Campbell's speech, and change our definition of the word Privilege? Well, my answer to that is this. I am perfectly well aware the House would regard with very great jealousy any proposal to modify in any respect the Privileges which have been maintained by its predecessors, and which it still maintains itself; and, further, that this being a question which we desire to keep in our own hands, and to deal with as a matter of Privilege, and not as a matter of law, it is impossible for the House to create new Privileges. It will be far easier for us to deal with questions which may possibly arise, and which we cannot altogether foresee, upon the Privileges obtained for us by our predecessors, and which we still assert, than to abandon them and attempt to create new Privileges. The Resolution, therefore, which I have to propose does not, in the least, trench on the Privilege which the House has asserted for such a length of time, and which we still maintain. It is rather a rule for the guidance of the House than an alteration of the law as affecting the relations between Parliament and the Press. The Resolution which I have to propose amply preserves the power of the House to deal with any misrepresentation, or other offence against the Privileges of the House. When I placed the Notice on the Paper, I had some doubt that the terms of the Resolution were almost wider than the occasion requires. The Resolution is to the effect—

“That this House will not entertain any complaint, in respect of the publication of the Debates or Proceedings of the House, or of any Committee thereof, except when any such Debates or Proceedings shall have been conducted with closed doors, or when such publication shall have been expressly prohibited by the House, or by any Committee, or in case of wilful misrepresentation, or other offence in relation to such publication.”

Well, these words are certainly wide; but I must say I have seen with some satisfaction that they have generally been accepted by the Press as affording a reasonable and satisfactory solution of the difficulties which have occurred, or

which might occur; and I do not think, on consideration, the House will be of opinion that they are wider than the occasion requires. It is impossible to foresee all the cases that may arise; but if the form which the reports of our proceedings have assumed be persevered in it is quite possible the House might wish to interpose some check on the mode of reporting adopted by some of the public papers. Unfortunately, as I think, several newspapers of the day have recently greatly restricted their formal reports of the debates in Parliament, but indulged to a very considerable extent in a somewhat sensational description of the proceedings of the House. I have never, however, seen any account of those proceedings to which I could for a moment suppose the House would desire to take exception; but still it is possible that this system might be developed to such an extent as might tend to bring the House into contempt, when it would be necessary for the House to take notice of them; and, therefore, I think that the words I have proposed, if the House is willing to restrict the Privilege by Resolution, are not too wide to meet the occasion. I have said my Resolution is rather a rule to guide our own proceedings than to establish a different law in relation to the papers. The benefit I think the House would derive from such a rule would be that it would be saved being placed in a false position, such as I think it occupied the other day on the Motion of the hon. and learned Member for Londonderry (Mr. C. Lewis), when it passed a Resolution that the printers of two newspapers had committed a breach of Privilege in reporting the proceedings of a Committee, the proceedings of that Committee having been held with open doors, and it being perfectly well known to the Members of the Committee and the House, that the proceedings were being reported by the Press. The House, it appears to me, has shown somewhat greater jealousy about the publication of the proceedings of Committees since 1771 than in regard to the publication of its own proceedings. Within recent years the House passed a Resolution that the publication of the proceedings or the Report of a Committee before it was presented to the House was a breach of Privilege; and it is perfectly conceivable that such a proceeding might be, on the ground of public convenience,

extremely objectionable, and I think that the Resolution I propose will meet this case also. It cannot be expected that the proceedings of Committees will be kept out of the newspapers, unless the Committees determine to sit with closed doors, or unless it is determined in particular cases that particular answers given by the witnesses shall not be reported. This case is entirely met by the Resolution I propose, and I think Committees and the House will retain all the authority over the publication of their proceedings which may seem necessary. The second point to which my Resolutions refer is the exclusion of Strangers. Up to a very recent date the Orders of the House have been as peremptory in relation to the exclusion of Strangers as they have been in relation to the publication of its debates. In the speech of Lord Campbell, to which I have referred, he gives an account of our proceedings in that respect. He says—

“Until 1845 there were positive orders of the House of Commons against the admission of strangers:—‘Ordered, that the Serjeant-at-Arms attending this House do from time to time take into his custody any stranger whom he may see, or who may be reported to him to be, in any part of the House or galleries.’ It was forbidden to any stranger to come into any part of the House or gallery belonging to the House. It was also ordered ‘that no Member of this House do presume to bring any stranger into any part of the House or galleries.’”—[3 *Hansard*, cxlix. 955-6.]

In 1844 a Motion was made by Mr. Christie for a Committee to inquire into the matters to which I have now called the attention of the House. That Motion was negatived; but the discussion which took place was not without some result, because in the next year both Orders to which I have referred were modified by the House, and they now stand in this shape—

“That the Serjeant-at-Arms attending this House do from time to time take into his custody any stranger whom he may see, or who may be reported to him to be in any part of the House or gallery appropriated to the Members of this House.

“That no Member of this House do presume to bring any stranger into any part of the House or gallery appropriated to the Members of this House while the House or a Committee of the Whole House is sitting.”—[*Ibid.* 956.]

By that Order, and by the accommodation which has been provided for reporters, we practically recognize the presence of Strangers during our de-

bates; but though practically recognizing the presence of Strangers during our debates, we have, as the House is aware, retained without alteration the former usage—for I believe it is a usage, and not a Rule of the House—under which the Speaker is obliged to order that Strangers shall be excluded as soon as any single Member takes notice of their presence. This is a power which has been used and inconveniently exercised on several occasions in recent times. In the year 1849 Mr. John O'Connell more than once made use of the power of excluding Strangers—on account, I believe, of the opinion which he entertained that his speeches were inadequately reported. That led to the appointment of a Committee. That Committee does not appear to have taken evidence; at all events, no report of evidence is preserved; but it came to the conclusion that there was no adequate necessity for the alteration of the Rule, and nothing was done in consequence. I presume they came to that conclusion believing that no other Member of the House was likely to exercise the Privilege of the House in the inconvenient manner in which Mr. John O'Connell had done. I am not aware that the power was exercised again for a considerable number of years; but in 1870 it was used for a different purpose by the hon. and learned Member for Ayr (Mr. Craufurd). A debate of a particular character came on in the House, and the hon. and learned Member for Ayr—not capriciously, but for an object—proposed that Strangers should be excluded from the Gallery. That proposition, owing to the peculiar nature of the regulations of the House, could not be debated, and what may have been the opinion of the majority of the House I do not know; but having taken notice of the presence of Strangers, it was in the power of the hon. and learned Member for Ayr to exclude, and he did exclude, Strangers from that particular debate. The subject was then brought to the notice of the House by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley.) He particularly objected to the occasion on which the power was used, and called on the Government of the day to appoint a Committee, or take other steps, by means of which the question might be placed on a more satisfactory footing. My right hon. Friend

the Member for Greenwich (Mr. Gladstone), then at the head of the Government, stated that, if it were the wish of the House that a Committee should be appointed, he had no objection to the appointment of such a Committee; but he did not seem then to consider that it would be necessary that any steps should be taken. A Committee was subsequently appointed to consider several questions affecting the business of the House, of which my right hon. Friend the Member for the University of London (Mr. Lowe) was Chairman. That Committee passed a Resolution—I believe only by a narrow majority—to the effect that the existing rule ought to be altered, and that Strangers should not be excluded, except on the Question put and agreed to without Amendment or debate. My right hon. Friend, as Chairman of that Committee, moved a Resolution to that effect in this House. Two objections appear to have been taken to that proposal. In the first place, it was necessary in cases of disorder or disturbance of any kind, the House should retain its power of summarily excluding Strangers. It was argued that every other Assembly except our own had, at some time or other, more or less been disturbed in its proceedings by strangers in the galleries, and that, as it was impossible to know what might occur in our own House, it was essential that some summary mode of removing strangers should be retained in case of necessity. The second objection was that the power of exclusion, as proposed by the Committee, might be used for the purpose of delaying a debate. I admit there is considerable weight in both objections, and I venture to think the proposals I have placed on the Table have some advantages over those moved by my right hon. Friend. In the first place, I think that the power of excluding strangers in cases of disturbance and disorder may very advantageously be left in the hands of the right hon. Gentleman who does now, and we must assume in all cases will, possess the complete and entire confidence of the House—that it might be left in the hands of the Speaker to give directions to the Serjeant-at-Arms, in case of disturbance of any kind whatever, to take what measures may appear to him necessary to preserve the order, tranquillity, and quiet of our proceedings. The only objection I can conceive to my Resolu-

*The Marquess of Hartington*



tion is that already the right hon. Gentleman has the power to take what measures may be necessary for that purpose. But, the power of excluding Strangers being in the hands of any single Member, there could be only very rare occasions for the exercise of that power by the Speaker. I therefore do not think it superfluous when the circumstances are somewhat altered, that the right hon. Gentleman should have the power to direct the officers of this House to take such steps as may be necessary for the preservation of order. As for the objection that the employment of this power may be used for purposes of delay, I cannot think there is much in it. Our Forms already give ample opportunity of delay if a Member or a minority of Members are disposed to take advantage of them for that purpose, and we therefore rely more on the good sense and good feeling of hon. Members than upon positive enactment to prevent our proceedings from being unnecessarily delayed. Nevertheless, if the House should be of opinion that the Resolutions which I propose might be abused, I should be perfectly willing to defer to the opinion of the House; and if it thinks fit to adopt the Amendment of the hon. Member for Cambridge University (Mr. Beresford Hope), that this power should be used only once in the course of a Sitting, I shall not be disposed very seriously to object. It seems to me, however, that to restrict the use of this power to one occasion during a Sitting of this House might possibly lead to inconvenience. I would suggest to the hon. Member it might be better to propose that the Motion to exclude Strangers should not be made more than once during the progress of the same debate. [Mr. BERESFORD HOPE intimated that that was his proposal.] If the hon. Member should think that proposition an improvement, I would make no objection. There is another point in which I have somewhat departed from the recommendation of the Committee. The Committee recommended that in all cases when it was proposed that Strangers should be excluded the question should be decided without Amendment or debate. That does not seem to me altogether a proper Resolution. If the necessity for the exclusion of Strangers can be seen beforehand it appears unreasonable that the Member who proposes it

should not have an opportunity of stating his reasons, and that the House should not have an opportunity of debating it. I need refer only to the occasion to which I have before alluded, when the late Member for Ayr (Mr. Craufurd) proposed to exclude Strangers. It seems to me that the House would consider it perfectly reasonable that any Member who thought it for the public interest or for the interest of morality and decency that Strangers should be excluded should have an opportunity of stating his reasons, and that there should be debate upon it. But if, on the contrary, the question arises suddenly, then I should think it would be unreasonable that the Business before the House should be delayed by discussions. I have now, before I sit down, only to refer to the Amendments of these Resolutions which have been put on the Paper. As to the Amendment of my hon. Friend the Member for Galway (Mr. Mitchell Henry), I can see no reason why the House should delay its decision upon the two questions referred to until another Committee has been appointed. As I have already shown, this question has been already considered by two Committees, and the results arrived at from their deliberations have not been so encouraging, I think, as to induce the House to consent to the appointment of another Committee. I understand the object of my hon. Friend to be that a Committee should consider the question of what are known as official reports. That, no doubt, is a question which may very well receive the attention of the House; but it is not directly or immediately connected with the subject I have brought before it. There are certain inconveniences to be removed, with which the Resolutions I have placed on the Paper deal, and I do not see that it is in the least necessary to mix these questions with the consideration of the very different one of official reporting. I have a very strong opinion myself upon the subject, and when the occasion arises I shall ask leave to state why I am strongly opposed to a system of official reporting. However, that is a subject which it is perfectly competent for my hon. Friend to bring before the House whenever he pleases, and to move for a Committee; but the question which I submit ought not to be delayed until a Committee be appointed to report on an entirely dif-



ferent subject. Then as to the Amendment of the hon. and learned Member for Salford (Mr. Charley). I do not see that it any way differs in principle from what I propose. I naturally prefer the form adopted in my Resolutions; but if the hon. and learned Member can show there is any advantage in the form which he has chosen, I should of course submit to the judgment of the House. I think the first of his Resolutions is objectionable for a reason I have already stated. I do not think it desirable that we should rescind any of our Rules which relate to Privilege. The Privileges which we possess have been established by the unbroken practice of centuries; and though it is easy to get rid of a Privilege, it is impossible for us to restore it when once it is given up. There is, however, one suggestion in the Amendment of the hon. and learned Member for Salford, which I shall be glad to adopt in the Resolutions I propose. The Chairman of Committee of the Whole House for the time being ought to have the same power as to the preservation of order and the exclusion of Strangers as the Speaker when the House is out of Committee. I have already stated that if the House should consider it necessary, I should not resist the adoption of a part of the Amendment to be proposed by the hon. Member for the University of Cambridge. I will not trouble the House any further. Hoping that the House will excuse me for the lengthened time I have occupied in the consideration of this important subject, and convinced of the extreme desirability of setting these somewhat troublesome and vexatious questions at rest, I humbly submit the Resolutions which I have placed on the Paper. The noble Marquess concluded by moving the first Resolution.

Motion made, and Question proposed,

"That this House will not entertain any complaint, in respect of the publication of the Debates or Proceedings of the House, or of any Committee thereof, except when any such Debates or Proceedings shall have been conducted with closed doors, or when such publication shall have been expressly prohibited by the House, or by any Committee, or in case of wilful misrepresentation, or other offence in relation to such publication."—(*The Marquess of Hartington.*)

MR. MITCHELL HENRY said, the Amendment he had placed on the Paper

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indicated the view which he thought ought to be carefully pressed on the House before it altered those fundamental privileges which had belonged to it from time immemorial. It indicated that they ought not to do in haste that which they might have to repent at leisure. There was a saying that hard cases made bad law, and this House itself had had experience of the fact that legislation under circumstances of temporary excitement sometimes led to inconvenient results. He would not refer at length to what had occurred in the present Session; but he thought there were few Members of the House who did not believe that if more time had been given for consideration, some of the Resolutions of the House this Session would not have been taken—he referred especially to the Motion of the hon. and learned Member for Londonderry (Mr. C. Lewis). It surely was essential that the House should not legislate on an important subject of this kind under the influence of panic. All he now asked the House to do was to pause for a moment, and consider if it had before it all the information which it ought to have in its possession in reference to those two important subjects—the Exclusion of Strangers and the reporting of the Debates. These two subjects were not necessarily connected with each other; but in the practice of the House they had a most intimate connection. The fact was that the power to exclude Strangers had necessarily excluded the reports of debates for many years. Gradually there had been a relaxation in the practice, so far as the presence of Strangers was concerned, and there was now a *quasi*-legal sanction of the reports of the proceedings of the House. But the right to exclude Strangers had done more to preserve the liberties of the subject in this country than any other measure. Without, therefore, offering any opinion at that moment as to whether the rule ought to be relaxed or altogether abrogated—on which subject possibly he had an opinion in accordance with that of the noble Marquess—he held that it would not be becoming in the House, suddenly and in consequence of what had taken place of late years, without adequate consideration, to make fundamental alterations in the laws of Parliament. What had occurred? His hon. and learned Friend the Member

for Londonderry, in the exercise of his undoubted right, brought under the notice of the House certain circumstances that occurred in a Committee upstairs, and called upon the House to come to an immediate decision upon the question. The House did so; and the right hon. Gentleman the Prime Minister supported the Motion of the hon. and learned Gentleman to call the printers of certain newspapers to the Bar of the House. A little reflection, however, showed the right hon. Gentleman that it would be much better to take another course, and the result was that the printers in question were not called to the Bar of the House. This induced his hon. Friend the Member for Louth (Mr. Sullivan) to exercise the privilege which pertained to every Member of the House, and for the purpose in reality not of excluding Strangers, but of securing protection to those who reported the proceedings of the House, he directed attention to the presence of Strangers, and Mr. Speaker, having no option in the matter, Strangers were ordered to withdraw accordingly. The noble Lord the Leader of the Opposition then showed a desire to take up the subject, which had been in the minds of hon. Members for years past, but which no one had ever taken up in a serious spirit on account of the great difficulties attending it; and his hon. Friend the Member for Louth said at once that he would cease from putting his privilege in force in any manner that might be considered vexatious by the House. His hon. Friend the Member for Cavan (Mr. Biggar) next, thinking that the threat—if he might use the term—of his hon. Friend the Member for Louth to repeat his Motion constantly had been dropped without adequate consideration, made a Motion for the exclusion of Strangers. The Motion was made at an inconvenient time, and very much against the feeling and spirit of the House. His hon. Friend the Member for Cavan had not repeated the Motion, and he (Mr. Mitchell Henry) thought he was able to say that, if this subject were really considered by the House, it was not his intention to do so. What did this show? It showed that for the preservation of the liberty of debate, and of the other privileges which were greater in the English House of Commons than in any other Assembly in the world, they

must depend upon the good feeling of Members. The hon. Member for Cavan came from the North of Ireland. He belonged to that body of Protestants who were rightly considered to have a share of the virtue of persistency amounting, perhaps, sometimes to a suspicion of a shade of obstinacy; but the privileges of Englishmen had repeatedly been preserved by the exhibition of those very qualities of which they now complained. Nobody could deny that in Parliament, as elsewhere, individuals did sometimes trench upon the privileges with which they were entrusted as Members of that Assembly to an extent which a wider experience would not justify; but he doubted very much whether there was a single example in the history of Parliament of an individual entering the House of Commons, with no matter what prejudices against the House, who did not in the course of a very short time conform himself to the manners and customs of the House; and he did not believe that any hon. Gentleman would deny that a spirit of fair play governed their proceedings. It was that circumstance which had enabled them to preserve the liberties they enjoyed. Repeatedly Motions were made for the purpose of delay, both by individual Members and by Parties, and when the position of the two Parties in the House was reversed, he had frequently been in the division lobby until daylight was streaming through the windows. Under what circumstances? Because hon. Gentlemen opposite thought it their duty to offer all the opposition in their power to such questions as the abolition of Army Purchase. A few years ago, also, the right hon. Gentleman lately at the head of the Government, feeling very strongly in reference to the Divorce and Matrimonial Causes Bill, thought it right, in the discharge of his duty—as might be seen, on reference to *Hansard*—to make upwards of 70 speeches, many of them long ones, in the course of the few weeks which elapsed during the progress of that measure. Were there any complaints of factious opposition at that time? Why, the very life of Parliament depended on factious opposition. It was repeatedly asked that they should adopt the practice which was followed in the French Assembly for limiting the time of debate by voting

the *clôture*; but the House had had the good sense not to adopt any such restrictions, and he appealed to the House whether that liberty had been so abused as to become license;—whether, indeed, it had not preserved the life of Parliament, and in reality been used in conformity with the institutions and genius of the English people? In the American Congress they had adopted a rule, which was called the Five Minutes Rule. There, no Member was permitted to speak longer than one hour in introducing a measure, nor more than five minutes when the House was in Committee. This limitation was the result of not putting confidence in the good sense and good feeling of the Members, and he should strongly deprecate its adoption in this country. ["Question!"] All these limitations on the privileges of the House had been advocated on former occasions, in consequence of the privileges having been put into inconvenient action on particular questions. ["Question!"] He was about to show that although the exclusion of Strangers might be productive of inconvenience, other limitations on Parliamentary liberty elsewhere had resulted in great inconvenience, and he was asking the House to pause before consenting to limit its own privileges. He submitted, therefore, that what he was saying now was perfectly in Order. He contended, then, that it was not advisable, under the circumstances which had been brought before them suddenly, to alter the Rules of the House in reference to anything that had recently occurred in the House. Why was it that strangers were originally excluded from the House? He was not going to detain the House by reading extracts from constitutional histories on the subject; but everybody knew, or ought to know, that the jealousy which Parliament had shown at the presence of strangers was in consequence of the constitutional battle which the House of Commons fought against the Stuart Kings. They knew that at that time the King used to limit the subjects on which Parliament was to be allowed to speak its mind; and if anything was said that was disagreeable to the King, strong measures were the result. James I. tore out pages from the Journals of the House, and Charles I. went so far as to endeavour to seize five of its Members.

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No wonder, then, that the House of Commons, which required to deliberate without fear as to what the Crown might do, should have been extremely jealous of its power to prevent the publication of its debates, and consequently of the presence of Strangers. But the battle had been fought out many years ago; they were not now afraid of the interference of the Crown, and did not maintain the privilege which their ancestors had handed down to them on any such ground as that. There were other reasons, however, why they ought to preserve their privileges; but before going into that, he would say that there was this objection to the Resolutions of the noble Marquess—that the privilege to exclude Strangers did not belong to the House of Commons alone. It was a privilege of Parliament, and all their privileges were privileges dependent upon the action of Parliament—that was, both Houses of Parliament, confirmed by the Sovereign; and he held that it would not be a seemly thing to make a fundamental alteration in that privilege without some conference with the other House of Parliament. The other House had a right to know something of the proceedings of the House of Commons in this matter. He did not deny, indeed, that this House possessed the right of deciding how it would exercise its privilege; but it could not create a new privilege, and it did not possess one which was not equally shared by the other House of Parliament. That view of the question might or might not commend itself to the approval of hon. Gentlemen; but, at any rate, it commended itself to considerable constitutional authorities, and that was another reason why the House should pause.

He now came to another matter which was intimately mixed up with this—that was, the reports of their debates. If he excepted Mr. Craufurd's Motion two or three Sessions ago, the privilege of excluding Strangers had not been exercised in modern times save for the purpose of insuring adequate and correct reports of the debates. In every instance in which it was proposed to exclude Strangers, including, of course, the reporters, it had been made because individual Members thought they had a right to complain of the reports of their speeches. Was there any foundation for that? In former times, there was nothing for which the

public had so great an appetite as the reports of the proceedings of Parliament. Those were the days when questions of Constitutional Law or great reforms in the customs of this country were under consideration. At the close of the last century the greatest efforts were made, in spite of perils, to give the public reports of the proceedings of the House of Commons. *The Times*, *The Morning Chronicle*, *The Morning Herald*, and other newspapers, established their reputations in very great measure by the fullness and accuracy with which they reported Parliamentary debates. Lord Campbell, Charles Dickens, and a great many other distinguished men had been Parliamentary reporters, and though he did not mean for a moment to say that there were not equally distinguished persons now engaged in that occupation, yet he certainly must state that, as a general rule, the reports of the debates had entirely changed in their character. The leading journal, *The Times*, gave very full reports, and so did one other morning paper. The other papers, however, rightly considering that they ought not to occupy space, which to them was money, with matter which would not be generally interesting to the public, cut down the debates to the very smallest dimensions. Moreover, there had crept into the House of Commons the practice of sensational reporting. Sketches of what occurred, or of what was supposed to have occurred, were given to the public. The appearance of Members and their manners were described, although, God knew! Gentlemen who worked till 2 or 3 o'clock in the morning might be excused if sometimes they were a little ungainly in their manners. These matters were, however, made the subjects of sensational sketches. [An hon. MEMBER: Caricatures.] Yes, caricatures, as his right hon. Friend observed. He did not object to this for a moment; but he asked the House of Commons to consider the position in which it was placed. When the Corn Laws were in debate, one of the strongest complaints made by Mr. Cobden was that the arguments of those who spoke on his side of the question were never fairly put before the public, and he complained as much of *The Times* as of any other newspaper. He said that the arguments of those who opposed Free Trade were put fully before the public,

whilst those which were in its favour were condensed to the utmost. It was even in contemplation to try to prevent such things as summaries of the debates in which the arguments were placed so much on one side, whilst the reply was almost suppressed. This was one of the strongest arguments for the "freedom of literature" as it was called, and the repeal of the duty on paper. It was then said—"If you establish a cheap Press, you will have full and accurate reports of the debates in Parliament. Those reports will be diffused throughout the length and breadth of the land, and people who read the arguments on one side will then have an opportunity of reading those on the other." The very reverse had happened. Owing to the great extension of telegraphic enterprise; to the rapidity with which everything was done now-a-days; to the short time people had at their disposal; and to the appetite which of late years had been created for sensational writing, the reports of the debates in Parliament were, with very few exceptions, most farcical, and, as he thought, not altogether creditable to the taste of the people of England. The newspapers, which were multiplying everywhere, and doing so much good, gave condensed reports of what took place in Parliament; not in the shape of reports, however, but as sensational sketches. People in the country received these reports in the morning in their local newspapers, through the medium of the telegraph. Those paragraphs satisfied their appetite for political information; the consequence was, that they never referred to the debates which took place in this House, never read the other side of the question, and thus their views were altogether warped on great public questions. Perhaps some hon. Members might say this was an evil which corrected itself, and might ask—"Do you mean to assert that we ought to publish our reports in order to educate the people?" Well, he meant to say that the expectations of those who instituted the cheap Press in the hope of widely diffusing political information, founded on the debates of this House, had been disappointed. He meant to say that the cheap Press of this country did not give to the people those full reports of the debates in Parliament which it was expected they would do when the



Press laws were reformed. He had made this matter the subject of very careful inquiry, because he regarded it in a serious light, and he had not made these observations in any spirit of hostility to the Press; but the House of Commons ought to know what it was going to do before it proceeded to legislate on the question, and he thought the statements which he had made, and which, if the House would bear with him, he would yet make, were worthy of being inquired into by a Select Committee of the House. Of late years there had sprung up a system of Telegraphic Press Agencies. Two of these agencies had seats among the reporters of the proceedings of this House: one was the Central Press; the other the Press Association. What happened?—and here he begged the attention of the House to what he was going to say. Both these extensive organizations had their own reporters, who wrote out in manifold, and telegraphed to different provincial newspapers the reports of the debates of the House. The Central News—another association—had a list of hon. Members whose speeches were to be carefully and accurately reported. [Sir HENRY JAMES: Name!] The lists of the Associations extended to upwards of 200 Members of the House, whose speeches were to be telegraphed at full length to various provincial newspapers; and he did not complain of that; but he would observe that a speech made by an hon. Member would appear at full length in the local paper which was the organ of his views, and with which he was *en rapport*, whilst the speech of the Prime Minister on the same subject would be compressed into the smallest possible space. Thus the people of England got very imperfect political information. Some surprising things had occurred of late in connection with the return of a particular Member to this House; and he verily believed that the working men of Stoke, and others who had petitioned the House in a certain notorious case, were influenced in the conduct they had pursued by the fact of their political information upon many subjects being altogether one-sided. He had no doubt, however, that hon. Members had read the articles which had appeared in the newspapers—and especially in *The Spectator*—upon the subject, or could imagine for themselves

what was the constitutional argument respecting it. But he came now to another point. The Reporters' Gallery was occupied exclusively by the representatives of the London Press, and the London Press had changed its views with regard to the debates of the House. Two or three of the London daily newspapers gave very full and accurate reports of the debates; the others found it was better for their own interest—and no doubt they thought conscientiously that it was for the interest of the public also—to compress their reports into the very smallest dimensions, and to substitute personal sketches for full reports of the arguments which were used. But he contended that as long as the dimensions of the Reporters' Gallery were restricted, and as long as the Provincial Press was prevented from coming into that Gallery, a responsibility was imposed upon those who enjoyed the privilege of entrance into the Gallery which carried with it a very sacred obligation. If the House of Commons adopted the principle that reports of the debates were to be carried on in the interest of newspapers, he would not object in the smallest degree, because he thought it was the only true principle; but if that principle were adopted, it would necessitate something else—namely, an authentic record of what occurred in that House for the information of its Members. There was perhaps the only Assembly in the world which had not something in the shape of an official record of its debates and proceedings; and it was a matter of pride and boast with them that the Parliament of England had, with the aid of the Press, for so many years achieved that which other countries had only been able to accomplish through the assistance of their Governments. A great many persons believed that *Hansard's Debates* were a kind of official record of the proceedings of that House. He was quite certain that that was the impression out-of-doors, and he believed it to be the impression of a great number of Members of that House. Now, *Hansard's Debates* originated in the year 1803, and through the enterprise of a son of the late Mr. Luke Hansard, who had been so long connected with the printing of the House, these Debates had supplied Parliament with a very accurate record of its proceedings. They were cited continually in the House, and so great

*Mr. Mitchell Henry*

was their reputation that even in Prussia they had a *Preussisches Hansard*; there was also a *Hansard's Debates* both in Canada and Australia. But was the House aware that the private enterprize in this country known as *Hansard's Debates* had not a single reporter in the Gallery of the House? *Hansard's Debates* were made up in this way:—The best report that could be obtained from a newspaper of a Member's speech was taken by the able proprietor. He carefully collated it with the reports in other newspapers, printed it, and sent it to the Member who delivered the speech for correction. Hon. Members who valued what they said—and every body ought to speak with deliberation in that House—having given thought beforehand to the subject under discussion, would take the pains to correct those reports, where necessary, and return them to the proprietor of *Hansard*, who would then publish them. But it was well known that these *Debates* were carried on for many years at an actual loss to the proprietor, and at the present moment he understood—and he was stating nothing that he was not entitled to state—the remuneration derived from them was not such as would induce anybody to continue *Hansard's Debates* unless he were imbued with that *esprit* which was so characteristic of Englishmen—the desire of a man who had inherited a reputation for a great work from his father and grandfather to carry on that work, though almost at a loss. Now, the House of Commons subscribed for 120 copies of *Hansard's Parliamentary Debates*; and that was all the assistance which it gave to that publication. Suppose, then, that these *Debates* came to an end to-morrow; suppose the present proprietor, who derived so little pecuniary emolument from them, but certainly in the opinion of this and foreign countries a great amount of honour for his laborious and patriotic enterprize; suppose that honourable gentleman were to discontinue the publication of the *Debates*, or if he paid the debt of nature, and they were not continued by some one else, in what position would the House of Commons then be placed? Where would they have any authentic record of the proceedings of the House so far as debate and argument were concerned? They could not bring in and cite

the reports of newspapers, because there was a Standing Order against it. True, they might suspend the Standing Order; but the newspapers would not supply them with the materials which were now contained in *Hansard*. It was impossible that the newspapers could report the proceedings of the House at sufficient length. ["Divide!"] He presumed that the Gentlemen who cried "Divide!" subscribed to the Press Associations, and he commended them for it; but he was stating facts which he had laboriously and carefully collected, and he thought it was hardly becoming in hon. Members to endeavour to silence him at that early hour. Well, if these *Debates* came to an end, the question would be brought to a crisis, and they would be obliged to find a substitute. He had referred to various points which he thought might with propriety be inquired into by a Committee. He did not offer a complete plan to the House; but he would briefly indicate what he considered might be very fairly done. He was of opinion that private enterprize should be left exactly where it was, and that the debates and proceedings of the House ought to be free to the newspapers to report at as great length or as shortly as they pleased; but he thought they ought also to have—and that the time had come when it was essential that they should have—a distinct official record of their proceedings. The House might be deterred from entering into that question from a fear of the expense which it would involve. Now, in the United States of America they had a *Congressional Record* which cost an enormous sum. Congress distributed not less than 13,000 copies amongst its own Members, and the expense was very recently upwards of £50,000 a-year. But if the House of Commons desired to have official and authentic reports of the debates for itself, it would be quite feasible to obtain them in this simple manner:—One reporter, sitting somewhere in the House, could take down everything that occurred in the course of debate, just as fully and accurately as the proceedings before Committees were taken down. The shorthand notes would be taken away and transcribed by assistants, as was now done in Committees, and next morning there might be placed on the Table of the House an exact record, in manuscript, of everything that had taken



place of a public nature, exactly as the Journals of the House were now placed on the Table; or, if it were thought desirable to have it in print, it might be printed at a small expense. He had made inquiries on the subject, and believed he was within the mark when he said that £8,000 or £9,000 a-year would be sufficient for supplying accurate records of the debates and proceedings of the House, and giving every Member of the House a volume of the *Debates* at the end of each Session; and that record might be sent to every hon. Member just as early as were the reports published by the newspapers. If that were done, he believed that the newspapers themselves would take their reports from that accurate official record, and would subscribe to the expense of it; for the House must know that the newspapers did not value the privilege of reporting its debates. ["Oh!"] He repeated, and he had it upon the highest authority, that the newspapers themselves did not value the privilege of reporting the debates of that House. ["Oh!" and "Divide!"] They said that it did not pay; that the public desired to have some other kind of information, and that they must find what the public wished to have. Therefore, it was quite possible, it had even been threatened by newspaper proprietors, that they might agree to cease reporting the debates. The House must not then go on upon the supposition that the liberty of reporting its debates was a privilege that was greatly valued by the newspapers on account of any pecuniary advantage which it gave them; and he thought that the public were greatly indebted to those public-spirited proprietors who did in some instances continue the publication of accurate reports. That remark, however, applied to two or three of the leading journals only: it did not apply to the cheap Press generally, and the cheap Press did not desire that it should apply to them. They did not think it their duty to give full and accurate reports; they did not profess to do so, because it did not pay. He had shown clearly—"No, no!"—he had shown clearly—"No!"—well, he had endeavoured to show clearly, that the whole conditions of reporting had changed; and if the conditions of reporting had changed, he was of opinion that the House of Commons ought to inquire carefully into the matter.

*Mr. Mitchell Henry*

With that object, what harm could the appointment of a Select Committee do? Such a Committee, if it made careful inquiries, would collect information that would guide the House in arriving at accurate conclusions. If they considered that no change was necessary, the House could but allow the thing to go on as it did at present. If, on the contrary, they recommended that a change should be made, the House would at any rate be in a position to decide with full information before it. ["Divide!"] Of course, the 200 Gentlemen who were certain of having their speeches reported in their local newspapers were quite entitled to cry "Divide!" when this important subject was under consideration; but there was something more concerned than placing the reports of those hon. Members before their constituents, and that was the supplying of political information to the country, the diffusion of which had hitherto tended so much to the prosperity of this Kingdom. He had shown, at least, that the conditions of reporting had changed, and he contended that until the reports of the debates and proceedings of the House were placed on some definite footing, it was absolutely essential that the power should be left in the hands of individual Members of exercising some control over the reports that appeared of their speeches. The only control that could be exercised was that old constitutional one of excluding Strangers, which had only been enforced on rare occasions and that for a few moments of time. They might abrogate that privilege if they liked, and afterwards discover that they had done so without adequate information, and he thought that they were now asked to do it without that adequate information before them. The privilege relating to the exclusion of Strangers, and that which concerned the reporting of their debates, were mixed up with each other, and there were circumstances which affected each that the House ought to be thoroughly acquainted with before it came to what might otherwise be a premature decision on the subject. He therefore begged to move the Amendment of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words

"it is not expedient to make any permanent alteration in the Rules relative to the Reports of the Debates or Proceedings of the House, or of any Committee thereof, or as to the presence of strangers in the House, until the House has more fully considered the present system of reporting its proceedings with the aid of information to be obtained by the appointment of a Select Committee,"—(*Mr. Mitchell Henry*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

**MR. NEWDEGATE:** Mr. Speaker, I am not disposed to differ from the opinion expressed by the hon. Member for Galway—that this House ought to consider maturely before parting with a Privilege which has been declared by your immediate Predecessor in the Chair to be an inherent Privilege of Parliament not dependent upon a Rule of this House. It is this Privilege so declared to be inherent in Parliament we are now asked to modify, if not to abrogate. I cannot think that the circumstances on which the noble Lord (the Marquess of Hartington) rests his proposal adequate to the occasion. What has happened in the present Session to render the proposal necessary, except that there has been an abrupt disregard of the Rules and customs of Parliament not confined to this ancient Privilege? At the beginning of the Session, in order to admit the hon. Member for Stoke (Dr. Kenealy) to a seat in this House, the House was induced to suspend a Rule as to a new Member appearing with sponsors, which has existed for 200 years, and that Rule was suspended without Notice. I was a Member of this House when a great question arose with regard to altering the oaths which were taken, first, in the case of persons belonging to the Jewish persuasion, and afterwards in the case of Roman Catholic Members. I have seen the Rules of this House and the Privilege of Parliament tested over and over again, and wherever a question of this sort arose, which seemed to threaten the abrogation of a Standing Order or to involve a question of law, it was the custom of the House to adjourn the consideration of such question in order to search for precedents, so that the House might not be led to adopt a hasty decision. That was done when Baron Rothschild presented himself at the Table to be sworn.

It was also done in the case of the late Sir David Salomons. Again, we have had a question of Privilege raised, and this House found itself in a difficulty owing to having arrived at a premature decision. Had the ancient custom of the House been observed, and the question of Privilege arising out of the publication of a scandalous letter, which was tendered to one of our Committees, been adjourned, the painful fact of this House having to reverse its decision could not have occurred. Again, in the case of the hon. Member for Cavan (Mr. Biggar), when he called attention to the presence of Strangers in the House, if he had been permitted to assign his reasons for doing so in the first instance, it would have been found that his reasons were inadequate, and the Speaker would have been desired to recall the Strangers. Instead of which the House was asked, without Notice, and on the spur of the moment, to suspend its Standing Orders so far as this Privilege was concerned, because it was presumed that the hon. Member for Cavan was about to behave himself in a contumacious manner. I then rose in my place and suggested to the hon. Member that when any hon. Member exercised his privilege of calling your attention, Sir, to the fact that Strangers were present, it was always customary for that hon. Member to assign his reasons for doing so. The hon. Member for Cavan immediately complied, and, in complying, showed that there was no adequate occasion for his having used his privilege, and that the usual practice would have been amply sufficient, for that hon. Member's reasons were deemed inadequate, and you, Sir, would have been requested to direct the Serjeant-at-Arms to open the Galleries and re-admit Strangers. The whole of these difficulties have arisen from abrupt and premature action on the part of this House, and would not have occurred had the former practice of the House been observed, and the House had taken time to consider the question which had arisen. I am not inclined, therefore, to be hasty in adopting the Resolutions of the noble Lord, though in saying this I do not mean to imply that he is acting without having received advice. But, in my opinion, the recurrences of these abrupt proceedings, endangering at once the privilege of hon. Members and the Rules and

Standing Orders of the House, demands the grave consideration of a Committee chosen from among the leading Members of the House. The Privilege of causing the exclusion of Strangers has, it is true, on some few occasions been abused. It was so by the late Mr. John O'Connell was a Member of this House. But the case in which the hon. and learned Member for Ayrshire (Mr. Craufurd) used that Privilege was very different. The consideration of the Contagious Diseases Act was to come before the House. The hon. and learned Member for Ayrshire used his privilege; but he assigned, as a reason, his belief that the debate which was about to arise, must be of a nature detrimental to public morality, and dangerous to the character of the House. There might be, and there was, a difference of opinion upon this; but no one could pretend to believe that there was no ground for that opinion. I cannot consider that the hon. and learned Member for Ayrshire abused his privilege, nor can I think ground sufficient for abrogating that Privilege exists. I must say that the reasons given by the hon. Member for advocating the modern abuse of this Privilege are to my mind very unsatisfactory. It would be the establishment of a vicious practice if the House were to countenance such an idea as that any hon. Member who deemed that his speeches were not sufficiently reported would be justified in using his privilege of calling attention to the presence of Strangers, and thus excluding all reporters from the Gallery. That would be a manifest abuse of the Privilege. But, then, we have our remedy; and if a Member were to assign such a reason as that for the exercise of his privilege, the House has an ample remedy. If a Member acted against the sense of the House and in abuse of this Privilege, the first remedy would be that you, Sir, should be instructed to reprimand that Member by name. Then, if he proved contumacious, the next process would be that you should be instructed to order the Member to be taken into custody. And the third remedy, in the event of his continued contumacy, is that the House, after due deliberation, might expel him from the House. Having such ample remedies in our hands, I am unwilling, without calm deliberation, to part with a Privilege which has been declared by one of

*Mr. Newdegate*

the highest authorities that ever adorned the Chair of this House to be an inherent Privilege of Parliament, anterior and superior to any Standing Orders, and even to any Privileges conferred by Statute. But the hon. Member for Galway has touched upon another question—the manner in which the debates of this House are reported. Well, Sir, a great change has taken place in the reports of our debates. I hold in my hand the declaration made only yesterday on this subject by one of the leading newspapers of this country—I mean *The Daily News*. I quote from this article in order to show that the conductors of the public Press no longer intend to report our debates so fully as formerly. *The Daily News* has now for some time ceased to report our debates *in extenso*; and thus writes in explanation of the purpose of its conductors—

“Mr. Mitchell Henry intends, we take it for granted, to call attention to the necessity of providing full reports of the debates of the House of Commons. This, we need hardly say, the daily newspapers do not do, do not pretend to accomplish, and could not possibly accomplish consistently with their general purposes as purveyors of news and representatives of opinion. The speeches of the leading statesmen on both sides of the House are reported, and what we may call fully reported, on almost all occasions when the lateness of the hour does not render such a report impossible in morning papers which are almost immediately about to go to press. But all ordinary Members of Parliament find that, except on very remarkable occasions, their speeches are compressed into mere summaries. Debates of great interest to localities, and even to kingdoms, are often summarized in a few lines of a London paper. This is simply unavoidable. No London paper could exist which inflicted upon its readers a full report every morning of the proceedings of Parliament to the exclusion of other matter. Take, for example, the debates on the Irish Peace Preservation Bill.”

Here, then, is a clear declaration; and I am informed that with the exception of two leading newspapers, it is highly probable that the system of summarizing our debates will be carried still further. The writer goes on to say—

“At all events, it is certain that this habit of commenting is growing into fuller development day by day, and in all free countries. . . . The idea that the Press Gallery is only or even especially a gallery where persons are to sit who are to report the debates ought to be frankly given up in our days. Such was the case really at one time, but such certainly is not the case now.”

This, Sir, is information which comes to

us from no doubtful source. It is information which I find contained in a leading article in one of the most talented papers in the country, and it brings before the House the fact that the system of reporting our debates as heretofore practised so greatly to the advantage of Parliament, and the country is, in the case of several newspapers, if not in all, to be given up. I am fully sensible of the fact myself; and who can be surprised at it? True, we may hope to have still the speeches of the Prime Minister and of the Leader of the Opposition, also of other right hon. and hon. Gentlemen who are or may have been in office, well reported; but *The Daily News* states the plain truth, when it says that Parliament must not look forward to the continuance of the system of reporting its debates which has heretofore prevailed. The reports of our debates have to compete with the acceleration of intelligence by means of the railways, through which news from the most distant countries reaches London in one-third of the time it formerly did; whilst the system of telegraphing, if it has not annihilated space, has positively annihilated time in the transmission of intelligence. Each daily paper, therefore, if it is to compete with its fellows, must furnish news from every quarter of the globe. Telegrams giving information as to the policy and diplomacy of foreign countries, as to the prospect of war or the hope of peace, as to the transmission of bullion, as to the state of the markets for various products, as to the whereabouts of ships on different parts of the ocean, and even as to the circulation of storms. These are all subjects of the deepest interest to various classes of the community, and this is additional matter which competes for space in the columns of newspapers with the debates of this House. This House owes an enormous debt to the gentlemen who have occupied that Gallery. Amongst them has sat one who was afterwards Lord Chancellor of England—the late Lord Campbell—and I might enumerate the names of many gentlemen who once occupied seats in the Gallery, but who have risen to the greatest eminence in literature, and other pursuits. I believe that they would willingly do us justice; but whatever their talents, they cannot overcome the commercial necessities of the newspapers, while competing with each other,

which forbid their reporting the debates in Parliament so fully as is desirable, and as was formerly done. I would, therefore, urge upon this House that the time has come when, warned as we have been by Mr. Hansard that his valuable publication has ceased to be remunerative, the House should consider how it can hereafter preserve an adequate record of its debates. I do not desire that the House should follow the example of the Legislative Assembly in France, where a most elaborate system of reporting the debates is carried on, nor even adopt the system of Austria, nor the system of Italy, nor the system of the United States, which, having formerly been conducted by contract, has within the last few months been vested in an executive appointed by the House of Assembly. All the House ought to consider is this—whether it will not appoint a staff of qualified reporters, who should be at liberty to assist the Press; but, at the same time, should be bound to preserve for Parliament—not for this House only, but for both Houses—a reliable record of their debates, and so supply, if necessary, the place which *Hansard* has so long and so ably filled. I do not for one moment lend myself to the idea that these reports are to be used merely for the gratification of the constituents of hon. Members. But I say that the value which is attached to *Hansard* both in England and in our Colonies, proves that a record of the debates, opinions, and proceedings of the Imperial Legislature is essential to the preservation of free institutions, as well as a valuable work of reference. My belief is that we can have no better security against speeches made in this House for the mere purpose of delay or obstruction than the preservation of a reliable record of what is said on such occasions by hon. Members, who seek to interrupt or delay our proceedings. It is thus, and thus only, I believe, that public opinion can be brought in support of the order and the dignity of this House.

MR. DISRAELI: Mr. Speaker, the House is indebted to the noble Lord the Leader of the Opposition for having introduced this question to its notice. I view the course he has taken with no envy, although I was appealed to in the first instance to undertake the task. Having served upon one or two Committees of the House, by whom this sub-



ject has been investigated, and having had the advantage of doing that in the days and under the auspices of very eminent men, some of the most learned Members of Parliament with regard to the great subject of Parliamentary law and privilege who have hitherto adorned this Assembly—in the days of Lord Eversley and Lord Ossington, and I might say in the days of men still living, whom we greatly respect, and deplore that they are not Members of this House at present—I mean such men as Sir George Grey and Mr. Bouverie—I confess I declined the task from a conviction of my inability to meet the difficulties which have baffled spirits of so much higher temper than myself, and not having that confidence in the easy solution of this question which the noble Lord has recommended to our attention to-night. Having examined these Resolutions, I find that they deal with two subjects, one being the publication of our proceedings, and the other our recognition of the presence of Strangers. These are the two subjects to which the noble Lord has given his particular attention, and it is upon these he asks to-night not only for the deliberation, but for the determination of the House. With regard to the first—the publication of our proceedings—I observe that in the first Resolution the noble Lord, while he calls upon the House “not to entertain any complaint in respect of the publication of the debates or proceedings of the House,” makes so many exceptions and so many conditions that, when practically considered, I think the House may be induced to believe that the carrying of the first Resolution of the noble Lord would not debar any Member from the Privileges to which it refers, and which are by some deemed inconvenient, while at the same time it might add fresh obstacles to the freedom of our conduct in respect to the management of our debates. The noble Lord asks us to determine—

“That this House will not entertain any complaint, in respect of the publication of the Debates or Proceedings of the House, or of any Committee thereof, except when any such debates or proceedings shall have been conducted with closed doors, or when such publication shall have been expressly prohibited by the House, or by any Committee, or in case of wilful misrepresentation, or other offence in relation to such publication.”

Surely under such an enactment as that

there is scarcely a publication made under those circumstances which an hon. Gentleman might not challenge. For instance, who is to decide as to what is wilful misrepresentation? Any hon. Gentleman who would bring forward a complaint of that sort would himself be convinced that the misrepresentation was wilful; and therefore no Resolution of this kind would debar him from seeking the justice which he demanded. Who is to annex any definite idea to the words “or other offence in relation to such publication?” If any Member is to have the right of bringing up this question of Privilege, he may have no great difficulty in asserting it. Then, again, under this first Resolution, although it seems to me no Member would be debarred from taking that course which has excited so much attention, and which was exercised by an hon. Member the other night, the House would be fettered by language such as that “this House will not entertain any complaint in respect of the publication of the Debates or Proceedings of the House.” Is it wise under a Resolution which seems to leave untouched the power which each Member has of standing on his privilege that we should seek to fetter the general authority of the House, and agree, by this limiting language, that we will not entertain any complaint with respect to the publication of our debates and proceedings? I think myself the House should pause before assenting to a proposal which would add to our restrictions, while at the same time it would not save us from any of the inconvenience of which some hon. Members had occasion recently to complain. So much for the first Resolution; and now I come to the second, which relates to the presence of Strangers, the exercise of the Privilege of excluding whom has within the last few days excited some disquiet in the House. In the first place, with respect to a recent instance, I cannot altogether admit that the inconvenience caused by that exercise of Privilege was very great, or that the House was taken by surprise. So far as I am concerned, I had not much time to consider the particular case to which I refer; but I had received an intimation that the difficulty connected with it would be promptly and easily removed by some Member of the Committee making a communication to the House, without

*Mr. Disraeli*

violating any of the Rules with reference to not making public what had occurred in the Committee beyond that which related to the document in question. In consequence, however, of a misconception on my part, and on the part of many others, we were landed in a momentary inconvenience. But how did we rescue ourselves from that? By asserting the power which rests in the House—by passing a Resolution which removed the difficulty just as in the case of the notice of the presence of Strangers, which is the subject of the second Resolution, we extricated ourselves from difficulty by appealing to the power which we have of suspending the Standing Orders. In both these cases, therefore—the publication of reports of our proceedings or the presence of Strangers—it seems the House has a power in its hands which will extricate it from any difficulty. With regard to the presence of Strangers, I may say, in case the House should decide to make any alteration with respect to the exercise of Privilege, I should be most anxious that the power of the Speaker and the Chairman of Committees should be asserted and established in no ambiguous manner. On this subject I must refer to what occurred in the Committee of 1871. That question was discussed and the Committee divided in equal numbers. I would refer the House to the names of those of the Committee who were in favour of retaining the present system. Among those names were those of Sir George Grey and Mr. Bouverie, men of considerable station in the House, and both of them voted for the maintenance of the present system. Now, it is highly important that the House should have a clear conception of what they are going to decide upon. When you come to analyze what we have to decide upon, the House will find that there really are only two points—one as to the restrictions with regard to the publication of debates; and the other as regards the presence of Strangers in the Galleries. Now in neither of these cases—and these are practically all we are called upon to decide—does it appear to me that it is necessary to interfere with the present state of things. I say this with great diffidence, because this is a question on which we ought, undoubtedly, to endeavour to obtain the opinion of the House, and to draw from the expe-

rience of its Members some results which will carry universal concurrence. But if you come to either of these two points, I think the House must feel that they have the power of redress in their own hands if there is any abuse of Privilege; and it is extremely desirable that when we are dealing with subjects of this kind we should not take any rash step. We should remember that these are Privileges which we have possessed long—which we have often exercised, which may have been sometimes exercised with some inconvenience and not always with sufficient reason, but that the general result has been favourable to the order and decorum of the House of Commons. Now, there is another question connected with this matter which has been developed at considerable length, and with great variety of illustration, by the hon. Member for Galway (Mr. Mitchell Henry), and the hon. Member for North Warwickshire (Mr. Newdegate), appears to sympathize with his observations. It concerns the mode by which an ample and correct report of all speeches in this House shall be secured. What those hon. Members want, I presume, is a Speech Preservation Act. I know from experience in these matters that it is an extremely difficult subject to deal with, and that it would take so much time in carrying that the probability would be, as has happened in other matters, that we might not be successful in carrying any other measure during the Session. I am not prepared at present to support a Speech Preservation Act to meet the difficulty experienced by the hon. Member for Galway and re-echoed by the hon. Member for Warwickshire. The real point which the House ought to consider at the present moment is this—Will you do that which I hold is one of the unwise things you could do in legislation? Will you attempt to codify the common law of Parliament? As a general rule it is most unwise to attempt to codify common law. These privileges belong to the common law of Parliament. They are the result of the experience of many generations—I might say of many centuries. There is wisdom embalmed in them which may not be at the moment evident, but which we find out sooner or later in practice. It is by the observance of these Rules—it is by the jealousy with which all the most eminent



Members of this House for a long period have watched any attempt to tamper with those Privileges, that we have a common law of Parliament so powerful and beneficial as the present. I do not mean to say that it may not be a question some day for the House to consider whether it may or may not be in the power of an individual to notice the presence of Strangers, or whether we should not, under the circumstances, make some restrictions in the exercise of that Privilege; but, so far as I can judge, the remedy being ready and prompt, if the House chooses to exercise it, I should hesitate, for a doubtful benefit, to make any change. There is one point which I wish to put before the House on this subject, and that is that this House should perfectly recollect that with regard to the presence of Strangers you could not have a debate as to whether Strangers should withdraw without entering at the same time into a discussion upon the subject upon which Strangers were requested to withdraw, and I do not think anything would be more inconvenient than an occurrence of that kind. Upon the whole, therefore, I hope the House will not agree to the Resolutions which have been laid before it. I give credit to the noble Lord for the effort he has made to meet the difficulties of the case. He has come forward to assist us, and if he has not solved the Gordian knot he has failed only where men equal to him in station and ability have failed before him. Remembering the labours of the great Committees which during the last quarter of a century have been nominated by the House to consider this subject, I confess myself that on both points—as to the publication of our proceedings and the presence of Strangers—it would be wise for us, without greater experience of inconvenience than we have yet seen, not to assent to any change of the common law of Parliament.

MR. LOWE: The right hon. Gentleman has made a very clear and definite deliverance on this subject, and I am happy to say it is impossible to misunderstand or misrepresent it. He is clearly of opinion that the state of the law of Parliament is so satisfactory that no alteration of it is required. The question is, whether the law is in that satisfactory state? If the objections taken to the law be vexatious, frivolous, and unsuited to the

dignity of the House, of course the right hon. Gentleman's opinion will prevail; if, on the other hand, they are founded upon grounds so commanding and convincing that it is hardly possible to state them without bringing conviction to the mind, then, notwithstanding the opinion of the right hon. Gentleman, I cannot help hoping there is patriotism enough in Parliament to make them succeed. What is the first proposition of the right hon. Gentleman?—that there is no necessity for alteration of the law of Parliament as regards the publication of our debates. He says this is a common law of Parliament, and it has been framed with great wisdom and judgment by the great men who have gone before us. It is quite true it was so framed, but with what object? Why did they declare it a breach of Privilege to report the debates of Parliament? Because it enabled the King, or the men who surrounded him, to send the great and able men who took part in those debates to prison and leave them to perish there. It was to protect Members of the House from the fate of Sir John Eliot, for instance, who, for defending the liberties of the country, was thrown into prison in 1628, and kept there until he died. For that purpose nothing could be better than saying that a publication which would produce a peril to the liberty of Members was a breach of the Privileges of the House. But the times have changed. So far from wishing our proceedings to be kept secret; so far from fearing any overbearing power to call us to account for what we say, the House has no greater desire than that its proceedings should have the greatest possible publicity. It is not from any feeling of vanity on the part of hon. Gentlemen in reading the reports of their speeches; it is because we have here a power by which we can influence the country, by which we can propagate those beliefs which we regard as being calculated to advance the common good. What was to our predecessors a fear and a dread has become to us a delight and an honour, that which they used all their efforts to repress and control we use all our efforts to extend; and, therefore, though they were wise in using every effort to keep the proceedings in Parliament secret, it does not follow that we are not equally wise in a diametrically opposite position in

seeking to make them public. That, I think, disposes, without any degree of irreverence, of the arguments of the right hon. Gentleman. Let us go a little further. What is the present state of the case? It is actually this—that while our most earnest desire is that our proceedings should be published to the British nation and to the whole world, and while we are conscious of deriving from it a power perfectly astonishing even to ourselves, the law and wisdom of Parliament are that the very doing of that which we all desire is a crime, for the doing of which a man can be dragged as a criminal to the Bar of this House, for which he can be interrogated as he can be interrogated in no other Court in this Kingdom, and can be cast into prison. That is the system under which we agree to promote that which we all agree in desiring. We take these persons; we call them before us; we take them away from the jurisdiction of the Common Law, and we submit them to this interrogation, admitting all the while that they have done nothing wrong at all. I am not going to allude to anything that was said in this House with respect to the Committee of which I am Chairman. But look at what was done. It was wished to extract some information which could not be got from me, for they could not send me to prison. And so a happy device was hit upon. Something was published, and we all admit for the benefit of the whole country, and without the slightest discredit or blame to the persons who merely did their duties in publishing it. Therefore, one person being guilty and another quite innocent, it occurred to an hon. Member that this rule, which the right hon. Gentleman says ought on no account to be altered, could be applied with some effect. That is to say, we were to treat persons who were perfectly innocent as if they were criminals, drag them here from their business, and obtain evidence from them by a process unknown to any other Court, which evidence was to be used for some other purpose. Then we are told that there is nothing in all this which needs amendment, and that this is the way in which the dignity and the character of Parliament are to be preserved. Now, the people of this country have no great respect for legal fiction, and I think they will understand clearly that if it is true that it is a great benefit

to us all that these things should be published, it cannot be a crime to publish them. If we build Galleries to enable our proceedings to be published, if we give facilities for doing so, if you, Mr. Speaker, allow quotations from the newspaper reports of Parliament to be made, how can we maintain any sort of dignity or character before the eyes of the people of this country if we allow any gentleman who wants to extract any information to be used against any one, to drag these people to the Bar and extract it from them upon pain of imprisonment when they have committed no crime whatever. This, I think, is an answer to the statement of the right hon. Gentleman as to there being no necessity for change in respect of the laws relating to the breach of Privilege. Since the right hon. Gentleman objects it is quite useless for me to go into detail, because he is content with things as they are. The only thing, therefore, that I have to do is to put it to the House whether it agrees with the right hon. Gentleman on the subject. Then comes the second case. The right hon. Gentleman sees no occasion to alter the law, which says that any Member of Parliament may desire Strangers to withdraw, and that they should withdraw accordingly. I venture to say that the way in which the law has been acted upon has not been creditable to the dignity of Parliament. The Strangers who have been turned out have immediately been allowed to come back again—and that is not a dignified connivance on the part of this House. If this is a rule to be insisted upon by Parliament it ought not to be evaded in this manner. Now, this law is traceable to the same source, to prevent the report of proceedings in Parliament lest Parliament should be prejudiced. But the whole nature of things has been changed, and it is not conceivable that human wisdom can be such that framing certain measures to meet one evil, they can be applied to meet an evil exactly contrary. But what has happened? An hon. Gentleman takes it into his head that he will exercise this Privilege. From that moment he is our master; he brings every one of us on his knees. Whatever the Member may be, whether important or otherwise, matters nothing; he becomes our King for the time being, and everyone begs and entreats that he will not exer-

cise his power. But who gave him that power? What induces us now to place ourselves at the feet of any man who chooses to exert his mastery over us? If the whole of this House wishes that its proceedings should be open except one man, what sense or reason is it that one man should be able to prevent it? There is nothing that I am aware of in our Constitution or history which should induce us to give to one single man the power to do what was done the other day—on the approach of a most interesting and harmless discussion to stop our proceedings and absolutely to turn out the Heir Apparent. We have been told that we were gentlemen first and Members of Parliament afterwards; but if every Member has the right properly vested in him of excluding Strangers, what business has the right hon. Gentleman or anyone else to challenge him for the exercise of it? That one single Member should be allowed to overrule 650 Members of a contrary opinion, and to put upon the House this injury and degradation is to me utterly inconceivable. The right hon. Gentleman has given us no reasons except the wisdom of our ancestors, and that was exercised in reference to a state of facts entirely different from those which exist at the present moment; therefore, it seems to me most desirable that the House should, if it be possible to do so—for this is no Party question—take the matter into their own hands, and consider whether they will tolerate what, probably, will happen to-morrow, when another hon. Gentleman will again stop our proceedings. How many days will it take to convince you that you cannot go on in this way? The right hon. Gentleman is Leader of the Conservative Party, and is he prepared to go on from day to day suspending the Standing Orders without Notice? Does he not think that by so doing he is making a greater breach in the Privileges of Parliament than would be made by abrogating the rule? The rule of exclusion had a most excellent and obvious purpose when made; but change of time and circumstance has made it in the present day one of the most ridiculous and galling fetters and insults ever imposed upon a free people. The right hon. Gentleman commands many legions, and he may on the present occasion be able to overpower us; but I hope the House will consider that

*Mr. Lowe*

we are not here engaged in fighting a Party question—[“Oh, oh!”]—but that we are considering a matter in which the honour of Parliament is involved. I disclaim all Party feeling in the matter, and the right hon. Gentleman is too firmly rooted for a storm of this kind to disturb him. This power of exclusion has been used once in the present Session; it may be used again and again, and it is equally certain to be abused. I therefore ask the House to say whether it is prepared deliberately to show itself to the country as willing to maintain a rule which no other Assembly in the world ever has maintained, and to be governed by one man rather than by a majority, or whether it will awake to a little common sense on the subject, and say that the House will once for all take into its own hands the government and management of its own proceedings. I therefore hope that the House will not give way on this subject, but will exercise its own impartial and clear judgment as to whether it is desirable that these things should again and again occur and the Standing Orders should be suspended, or whether it does not think we have done enough of that kind of thing. My noble Friend does not ask the House to sacrifice any of its Privileges, but merely to forbear from abusing them, and to free itself from the trammels which can do nothing except involve us in unseemly contentions among ourselves, and lower the House of Commons in the estimation of the country.

MR. GATHORNE HARDY: The right hon. Gentleman says that we should trust in the——

MR. SULLIVAN: Mr. Speaker, I espy Strangers in the Gallery behind your Chair.

MR. SPEAKER: Notice having been taken of the presence of Strangers, I have no alternative but to call upon them to withdraw.

It is believed that the following is a substantially accurate report of what took place during the Exclusion of Strangers:—

MR. GATHORNE HARDY said, that in consequence of the disposition of one hon. Member to interrupt the proceedings he would move the adjournment of the debate.

*Moved*, "That the debate be now adjourned."—(*Mr. Gathorne Hardy.*)

MR. SULLIVAN, who spoke amid great disorder, said: I have been at nominations. I intend to show my admiration of the Prime Minister by putting the Rule in force to-night. I am a journalist, and feel on this question. I dare, though unreported, to speak for my profession—we will not submit to ignominious sufferance in that Gallery. The sun has set upon the last day of Press slavery. Either we wield a beneficial power, or the day has come when you must say Yea or Nay. I am not afraid of being called "no gentleman." I and my fellow journalists—the Members for Newcastle and Glasgow—held our peace. I am incapable of mistaking a fact. I am not speaking for out-door purposes. No reporter is here. The rule which the Prime Minister says shall not be reformed must be reformed. [*Much disorder.*]

MR. GOLDSMID: It would be better to abrogate the Rule quietly than to allow this disturbance to occur again. I am in favour of Lord Hartington's Resolutions; but I think the hon. Member for Louth has some reason for his conduct. The hon. Member for Galway is aggrieved because his speeches have been from time to time delivered against the feeling of the House.

THE MARQUESS OF HARTINGTON: The hon. Member for Louth has taken an extreme course which has excited great indignation in the minds of the majority. His course is not unprecedented. [The noble Lord quoted a speech of Mr. Henley, in which he threatened to take the same course, and "to make himself a nuisance," until the House took some action in the matter.] He believed that he did afterwards, on one occasion, put his threat in execution. The grievance complained of by the right hon. Gentleman (Mr. G. Hardy) is the very evil of which we complain. I do not defend the hon. Member for Louth; but there is no cause for a burst of indignation. He has done what the right hon. Gentleman (Mr. Henley) formerly proposed. I am in favour of adjournment; but I hope the Government will consider the matter, for the question must now be settled.

MR. GATHORNE HARDY: I beg to make a personal explanation. I was taken by surprise. I took what I thought was a proper course—"Order!"—I was going to say, had I been allowed to speak, that if the grievance rose to such a height that it was necessary to interfere the Government would interfere.

MR. MITCHELL HENRY accused the hon. Member for Louth of a breach of faith with the House; because when the noble Lord (the Marquess of Hartington) took up the question he promised not to clear the House. The hon. Member had now exercised his privilege while the House was debating the question. The hon. Member for Louth had forgotten his promise, and had been guilty of a *coup d'état*.

MR. SULLIVAN denied that he had pledged himself.

MR. MITCHELL HENRY said, he was not actuated by any private feelings in the course he had taken, in consequence of his speeches not being fully reported. He had never complained of any report of his speeches except during the last Parliament. He thought that Irish feelings were denied a proper representation.

LORD ESLINGTON said, that the worst mistake a Member of Parliament could make had been made by the hon. Member for Louth, who had attempted to overawe an intelligent Assembly by a threat. The hon. Member for Louth might become a very eminent Member—he had given proofs of his capacity to become such—but he wanted discretion. The House would never submit to a threat, and would not be overawed. Hon. Members would maintain their privileges in spite of the hon. Member's threats. He suggested that the House had better now adjourn. "A wise man sleepeth upon his wrath." The House had better let twenty-four hours elapse to think over the hon. Member for Louth's threats.

MR. SULLIVAN rose to make a personal explanation, but being met by cries of "Order" and "Spoke" sat down.

MR. NEWDEGATE: The hon. Member for Louth says he is a member of the Press. He forgets that he is also a Member of this House. He uses his privilege to coerce the majority of hon. Members in obedience to the demands of the Press. This is a distinct abuse of his privilege. I shall invite



the House to express its opinion on his conduct. We cannot submit to individuals attempting to coerce a majority.

MR. SULLIVAN wished to correct a statement of the hon. Member for Galway, whose narrative was taken from one of those imperfect reports of which he had complained.

MR. MITCHELL HENRY: The hon. Member told me himself.

MR. SULLIVAN: I do not recollect anything of the kind. I will state my reasons. ["Order!"] I gave Notice of my intention to enforce the Rule. I was waited upon and asked not to enforce the Rule on that night, because it would be said to be "a Jesuit conspiracy;" but when I was told that the noble Marquess would make a Motion, I said if such an assurance would be given we would not shut out the Press on the Tichborne debate; but I always reserved my right to take this course. There is no reason why the debate should not proceed.

SIR RAINALD KNIGHTLEY thought that something must be done. He approved of the appointment of a Committee, and thought that the Rule should be suspended meanwhile.

MR. CALLAN said, that the Home Rule Party repudiated the conduct of the Member for Cavan (Mr. Biggar); but the action of the hon. Member for Louth was taken without concert with that Party, which was in no way responsible for it. The hon. Member added—I was asked three years ago by Mr. Sullivan in the lobby to "espy Strangers." He said I should immortalize myself; I think the hon. Member for Louth has immortalized himself. I do not think any reporters in the Gallery have authorized Mr. Sullivan to act on their behalf.

MR. STACPOOLE thought the proposal of the hon. Member for Galway was a proper one.

SIR GEORGE BOWYER said, the hon. Member for Louth had exercised his right, but without judgment or discretion. There was no privilege that could not be so abused as to be a nuisance—it was so in private life. If gentlemen exercised their rights without regard to other people the world would be uninhabitable. The hon. Member for Louth had used a practical argument; but such an argument was fallacious. He (Sir George Bowyer) did not care for the historical arguments of the right

hon. Gentleman the Member for the University of London. The privilege might some day be extremely useful; but the privilege must be used with discretion. The hon. Member for Louth had exercised it for a very bad reason. He exercised it to make it a nuisance, and in order to enforce his views as to the rights of the Press. The reporters had told him they repudiated Mr. Sullivan's assistance.

MR. DODSON said, the House would derive no benefit by the continuance of this debate. He recommended the adoption of the Motion for adjournment.

MR. HORSMAN: The hon. Member for Louth, from inexperience as a young Member, has placed us in a false position. He says the feelings of the House and the Press are antagonistic, and says that, as a member of the Press, he will coerce the House to make a change. The feeling of the House is manifestly in favour of giving the Press every facility. We are dependent on the Press. Every Ministry has wished to deal with this question; but there are difficulties not apparent to the hon. Member for Louth. The whole House repudiates the ground on which the hon. Member for Louth has put the matter. He dislikes coercion in Ireland. We dislike coercion in the House of Commons.

MR. DISRAELI: I regret that the debate was interfered with. I think the House would have arrived at valuable results. My right hon. Friend (Mr. Hardy) has devoted great attention to the subject, and had opinions I did not altogether agree with. I wish he could have brought them before the House. I am not favourable to any further Committees. It is the duty of the Government to put a Motion on the Table of the House. The hon. Member for Louth has got hold of a privilege of which he thinks he can avail himself; but these privileges may be abused. There is not a privilege of the House that may not be so abused as to produce disorder, for even Motions for the adjournment of the House or a debate may be brought forward by any two Members who, proud of their privilege, might bring the House into disgrace. I thought the hon. Member had made an engagement not to disturb the debate. He may settle that with the hon. Member for Galway. I must fix a day for the resumption of this debate. I think the 25th of May



will be the best day to continue it, as that is the day for which the hon. Member for Swansea (Mr. Dillwyn) has a Motion on the subject. Hon. Members will find Parliamentary Privilege a delicate thing to deal with.

MR. CHILDERS asked the Prime Minister whether he would make a distinct Motion?

MAJOR O'GORMAN: For the last week we have been under Coercion Acts. How long are we to be—morning, noon, and night—under Coercion Acts? Our observations—mine and the Prime Minister's—are unheard, and that is a great loss. I move that the Press be re-admitted.

MR. COWEN said, that the hon. Member for Louth represented the profession to which he (Mr. Cowen) belonged. The Press had no wish to come into the House against the wishes of hon. Members. The vestry-like proceedings of that Chamber were not remunerative to report. The Press would not be subjected to ignominy if they did come. He took upon himself a full share of the odium.

MR. MELDON addressed the House.

THE MARQUESS OF HARTINGTON claimed the right to say something as to the day of adjournment. As an Order of the Day, it would come on too late on May 25.

MR. DISRAELI thought an united appeal to the hon. Member for Swansea would not be resisted.

MR. DILLWYN said, he would not stand in the way.

Motion for the adjournment of the debate *agreed to.*

Debate *adjourned till Thursday.*

Upon Strangers being re-admitted, it was found that the House, after transacting other Business on the Paper, had adjourned.

House adjourned at half  
after One o'clock.

## HOUSE OF COMMONS,

*Wednesday, 5th May, 1875.*

MINUTES.] — PUBLIC BILLS — *Ordered* —  
*First Reading*—Railway Companies \* [152].  
*Second Reading*—Sale of Intoxicating Liquors  
on Sunday (Ireland) [14], *debate adjourned.*

## SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL—[BILL 14.]

(*Mr. Richard Smyth, The O'Connor Don, Viscount Crichton, Mr. Dease, Mr. James Corry, Mr. William Johnston, Mr. Dickson, Mr. Redmond.*)

### SECOND READING.

Order for Second Reading read.

MR. R. SMYTH, in moving that the Bill be now read the second time, said: When I had an opportunity last Session of calling the attention of the House to the state of the law and of public opinion in Ireland on the subject of Sunday trading in intoxicating liquors, I was at the disadvantage of being obliged to present the argument under cover of an abstract Resolution. I am aware, as I was then, that Motions of that kind do not find much favour either with the Government of the day or with the House of Commons. But the subject is now altogether disembarrassed from an abstract Motion, and, in moving the second reading of this Bill which I now do, I ask the House to give its sanction to practical and immediate legislation. As to the provisions of the Bill, there is nothing in them that can be regarded as novel in character. It merely proposes to surround the whole of Sunday with a hedge similar to that which now encloses only a part of that day. But I do not think that anyone pleading for a measure of this kind is under any necessity whatever to prove that Sunday is not as other days. The law of England has said so already, and the provisions which exist under the present law imply that Sunday is not to be treated in regard to trading as other days of the week. Therefore, it seems to me that all argument as to the question of principle would be entirely superfluous. But if there is no new principle in this Bill, neither is there any new application of the principle, for the same restrictive law which we now ask for Ireland—or rather, I shall say, which Ireland now asks for herself—has been in operation in Scotland for more than 20 years; and I shall be very much surprised if any Scotch Member will rise in his place and say that the prohibitory Sunday law has produced any bad effects in that country. I am sure if an opportunity is given to Scotch Members to speak in this debate they will tell a very different story. This Bill cannot, I think, be considered any-

thing but reasonable and temperate. It does not aim at hermetically sealing public-houses on Sunday, so that nobody may be able to go in or go out, but guaranteeing to lodgers and *bonâ fide* travellers all the rights and privileges possessed under the existing law, it simply proposes to put an end to the indiscriminate trading in liquors during the whole of the Sunday in Ireland. I hope it is not necessary for an advocate of this measure to disclaim any intention of attacking publicans or persons engaged in any way in the manufacture and sale of alcoholic drinks. For my part, I would consider it rather preposterous to assail people for selling as a commodity that which I have no hesitation in buying. If it is wrong to sell, it must also be wrong to buy, though I am ready to admit that there may be, from the temperance advocate's point of view, a distinction between the act of the tempter and the act of the tempted; but I do not go into that, or travel beyond the record of this Bill, which has nothing in the world to do with the general question of trading in liquors. If it were necessary, a good deal could be said for publicans. They are the licentiates of the State; and, to the credit of the licensing authorities in Ireland, I am bound to say that it is now almost as difficult for a man to get an appointment to exercise his gifts as a publican as it is to get appointed to be a schoolmaster or a dispensary doctor. Their character stands above all possibility of impeachment, and that is all that may be said about it. But publicans are traders, and so far as they are so, the presumption is that they ought to confine themselves, like other traders, to the ordinary days of the week; and I submit that the burden of proof lies upon those who claim the right to extract profits out of Sunday trading. There can be here no question of vested interests, for no man is acknowledged to have a trading interest in the Lord's Day, and it would be idle for anyone to plead that he has a vested interest in the weaknesses and drinking habits of the working classes. I put aside, then, all trading pleas and remonstrances on the part of licensed victuallers, and the only arguments I feel myself bound to consider are those drawn from public convenience and public opinion. It is on that ground, and that ground alone,

*Mr. R. Smyth*

that the issue is to be joined here, though an appeal might be made to higher sanctions which could hardly fail to meet with respect and sympathy in this Assembly. Now, speaking of trade, I must request the attention of the House to a remarkable and most significant circumstance connected with the movement for Sunday closing in Ireland. The only opponents—and this is not a rhetorical exaggeration, but substantially a literal fact—the only opponents of this Bill are a portion of the Irish and nearly all the English publicans. How does it come that they take such an interest in the question? I can only account for their action on the supposition that it is with them a question of traffic. They do not want their Sunday profits to be interfered with, for, notwithstanding the acknowledgment I have already made that they are excellent people, still I do not believe that their presence at public meetings, convened by other people and in other interests, or that their presence in the Lobbies of this House for the purpose of persuading Members, and even Ministers of the Crown, to vote against this Bill, is to be accounted for upon the grounds of pure public spirit, or that they are the exclusive champions of Irish liberty, and the only disinterested guardians of public convenience and morality. At all events, as they are open to the suspicion of self-interest—a taint from which the general public of Ireland, who support this measure with an earnestness rarely seen, are altogether free—we must seek a more impartial judgment on the question than any we can get from the mixed tribunal of English and Irish publicans. What do the employers of labour in Ireland say on the subject? I never conversed with an employer of labour, yet who did not tell me that Monday was the day of all days in the week when his works were beset with the greatest troubles and dislocations, arising from the absence of some of his men, and the perfect uselessness of others on account of the drinking of the previous Sunday evening. Only a few days ago a deputation was courteously received by the Prime Minister on this subject. During that interview the Mayor of Belfast—and who in the Three Kingdoms could speak with greater authority than the Mayor of Belfast?—stated that sometimes works had to be suspended on

Monday, and often on a part of Tuesday, because of the effects of Sunday evening drinking. Sunday's rest was intended by all law, Divine and human, to recruit the exhausted energies of the working classes; but instead of that a temptation is placed in their way, during their hours of rest from labour to wear out the remnants of their strength by dissipation; and if they go back to their work on Monday mornings, it is in a condition of physical and mental enfeeblement which makes it almost a cruelty to ask them to do anything at all. It is all very well to have fine theories about the public-house being the working men's club; but all I can say is that if gentlemen used their clubs in the same way as that to which the public-house is unhappily devoted by the poor who have not learned the virtue of self-control, I should hope to find some courageous Member introducing into this House a Sunday Closing Bill for the clubs of St. James's and Pall Mall. This is an Assembly of practical men, who are not hunting after subtle analogies, and they know that there is not one feature of substantial similarity between the public-houses in Donnybrook and the St. Stephen's Club across the way. But I find that some English Members are misled by honest and honourable misconceptions as to Irish habits and customs. They have a notion that we are proposing to give Irishmen and women stale beer for their Sunday dinner, and they wonder how we can be so cruel as to treat our countrymen and countrywomen in that way. Now, I must distinctly and emphatically point out that draught beer is not used by the poor in Ireland. An Irish labourer, such is his perversity, thinks beer very little better than muddy water, and he would not thank you if you were to turn Lough Corrib into beer. He would certainly be angry if you turned the Devil's Punchbowl into beer; whereas I am credibly informed that many English labourers are of opinion that human life would lose a great deal of its interest without beer. It is not hard to teach an Englishman to drink whisky, but it is next to an impossibility to teach an Irishman to drink beer. So I hope we shall hear no more about the Sunday beer argument; for Sunday beer at a working man's dinner in Ireland is as great a

myth as the Irish Banshee. Now, adverting to the present state of the law, I am puzzled to know why a public-house is to be opened at 2 o'clock on Sunday afternoon and not at 11 or 12 o'clock. It cannot be because people are more likely to go to excess at noon than in the afternoon. The motive for shutting up public-houses during canonical hours is, I suppose a device, but it is a very shallow device for protecting the Churches. Well, in my opinion, you may just as well let public-houses compete with the churches as compete with the homes. I have but little veneration for a religious sentiment which protects the clergyman from the competition of the publican, and will give no protection to the poor man's wife. The clergy of all denominations have repudiated this distinction, and have told you in their memorials that they do not want the continuance of this law, the theory of which is that their churches and chapels are to be filled in the morning and the whisky shops in the afternoon. They are willing and anxious that the families of the poor should be cared for by British law; and I think they never uttered a sentiment more in harmony with the religion they have to guard than when they tell the House of Commons that in their view the hearth in its own place is just as sacred as the altar. I have heard it urged—indeed, I am not sure but that it was said in the debates of last year—that if drink was bought on Saturday night for Sunday use the children of the family will be led into temptation, and that it is far better for the head of the house to adjourn to a tavern and drink where his children cannot see him. I never said anything so damaging to drink as that, and I doubt whether the publicans will thank their friends for giving such a repulsive picture of the article they have to sell. But let us see how this will apply to another argument of our opponents. They say that the working classes take a walk or go some little trip on a Sunday afternoon, and it would be hard if they could not get a glass of whisky on the way. Well, suppose their excursion extends over three miles from home. In that case they become *bonâ fide* travellers by statute law, and can get as much drink as they like, even under this Bill. Again, suppose they merely take a walk near their own homes, surely, in that case, they will

take their wives and children with them. Irishmen, at all events, are not such anchorites as to go out for a walk without gentler company if they can get it. When they come to the public-house they must either take their wives and children into the bar with them or else leave them standing outside—no Irishman will ever do this latter. They will inevitably be taken inside and initiated into the carousals of the Sunday tavern. That is what it comes to, and I put it to hon. Members to consider whether a working man going out with his wife and children on Sunday afternoon—if it is right that they should so go out—would not make them and himself happier if they all returned home together to their humble tea-table, instead of his taking them along with him to drink whisky with some chance boon companions? You tell us that you cannot make men sober by Act of Parliament. I know you cannot. Can you make men healthy by Act of Parliament? Can you abolish fever or consumption by Act of Parliament? Yet you are, Session after Session, doing your best to remove the pollutions which generate these fatal maladies; and you are even now proposing to dam up or divert in some way the wash of factories, that it may no longer pollute your rivers. We do not ask you to treat drunkards otherwise than you deal with fever or consumption. It is not to be expected that an Act of Parliament will ever contain a clause to this effect—"From and after the 1st day of January typhus fever shall hereby cease and determine;" and yet we do expect that under wise legislation the causes which produce it may be diminished. So, as to drunkenness, you will never abolish it by Act of Parliament; but you may mitigate its severity and contract its area by taking all reasonable and prudent means to keep those who are most susceptible of it away as far as possible from the dangerous contagion. Parliament has hitherto treated drunkenness only as a crime. I am far from denying that there is a moral element involved in it; but I believe drunkenness to be as much a disease as a crime. I never see a drunken man dragged away by the police as a vile criminal that my nature does not revolt against the legal violence as perhaps an irrelevant and mistaken punishment. The man is diseased, and it is for Parliament

to consider whether it has as yet done everything in its power to abridge the mischiefs that propagate this dreadful disorder. We are met with a plausible allegation that entire Sunday closing will magnify the evils of the shebeen system in Ireland. I admit the ingenuity of my countrymen in these matters. Hon. Members who have visited the Giant's Causeway will remember the benevolent old man at the Giant's Well, who presents the tourist with a glass of ice-cold water and some Bushmills whisky to take the cold off it. It is a present, but the old man is good-natured enough to accept a present in return. That is an Ulster shebeen. Hon. Members who have been to Killarney will also recollect the black-eyed Kerry girl at Mangerton, on the Gap of Dunloe, who sold them a glass of goat's milk for 1s. and gave them a glass of whisky for nothing. That is the shebeen system in Munster; and I venture to think that it does not lie very heavy on the conscience of any English Member that he was thus far implicated in the shebeen system when he was over in Ireland. But the hon. Member for Dundalk has moved for Returns from Dublin, and I know very well what he wants to infer from these Returns when he gets them. He finds the arrests for drunkenness are largely made during the prohibited hours in that city, and he wants the House to infer that this drunkenness has been produced by drinking in shebeens during these prohibited hours. That is the only argument I can imagine he intends to adduce from these figures, and yet I hesitate to think that he would attempt such a draft upon the credulity of this House. What is the fact? These drunken men and women got the drink during the open hours. When open hours are ended they are turned out into the streets, and, of course, the arrests are made during the prohibited hours. The arrests are not made in the houses, but in the streets, and it is inevitable that arrests will take place at a time when the poor victims will have no longer the shelter of a public-house. To insinuate that the arrests made during the prohibited hours are due to drinking in shebeens is not supported by one particle of proof, and it is an inference wholly unwarrantable. If the shebeen-keepers get men inside and make them drunk, they will not

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turn them out at all until they are sober; and, in point of fact, there is scarcely an instance of an arrest being traceable to drinking in an unlicensed house; and, even if it were so, which it is not, it is altogether a matter of police. Predictions exactly similar to those about shebeens were made about illicit distillation when the high duty was put upon Irish whisky, yet it is well known that poteen, or small-still whisky does not exist in one-tenth the quantities that was the case 30 years ago. Give the Constabulary an adequate inducement to bring offenders to justice, and shebeens will soon be swept out of existence, as small stills have been driven out of the mountains of Tyrone and Donegal. I have not up to this time troubled the House with statistics; for I feel that in any argument drawn from them there is often the fallacy of *post hoc ergo propter hoc*. An elector of Stoke is reported in the newspapers to have said, some days ago, that he regretted having voted for the hon. Member for that borough, because, since that election, meat had gone up a halfpenny a pound. That elector, doubtless, was proving his case from statistics, and he probably belongs to the Statistical Society. Statistics are very much like loaded dice: you can make them fall as you wish, and turn up the side that suits you best. Now, I shall not go into the question of the comparative drunkenness of England, Scotland, and Ireland, nor shall I rely on the fact, although it is a fact, that Scotchmen drink less per head than they did before the Forbes-Mackenzie Act came into operation in that country. I think that when Scotch working men are well off, and get the chance, they will drink as much as their neighbours. What I am now concerned with is Sunday drinking, and I fearlessly assert that, so far as public evidence goes, this has diminished in Scotland under the Sunday closing law. There is just one significant comparison to which I should like to draw attention. In England and Ireland where the prohibitory Sunday law is not in operation the arrests for drunkenness on Sunday are about the average of other days of the week, whereas in Scotland they are far below the average. I shall trouble the House with Returns from one city in each of these countries. In Dublin, for three months ending December 30, 1874, there

were 602 Sunday arrests, the average for other days being 634. In Manchester the Sunday arrests for the year ending September 29, 1874, were 1,384, the average for the other days of the week being 1,408. Now, let us take the case of Glasgow. Baillie Collins, in a paper read at the Social Science Congress in September last, said with respect to Glasgow—

“I had the curiosity to examine for myself the records of the Central Police Office for the last month. I sat on the bench of that Court and found that of 925 prisoners taken for that single offence, for being drunk and incapable, in that month, only 30 prisoners were brought in on the whole of the five Sundays of that month—an average of six for each Sunday.”

It will be observed that the average for other days of the week was 36. That is to say, while in Dublin and Manchester, where the public-houses are open during a part of Sunday, the arrests for drunkenness are about the average of other days; in Glasgow, where there are no public-houses open, the arrests are only one-sixth of those on other days, and probably these are *bonâ fide* travellers. But, apart from these figures, which are as conclusive as figures can be, the clenching argument as regards Scotland is just this—that the Scotch want to retain the present system, and would rise in constitutional revolt against any attempt to undo the Act of 1853. From this point the transition is easy to my last argument—the state of public opinion in Ireland. I believe there never was a measure on which the opinion of Ireland in every corner, every Province, every class, and every creed was more clearly pronounced than upon this. I do not rely on any one set of evidences, which I know might be misleading, but I rely upon an induction of evidence absolutely demonstrative and overwhelming. I begin with a Memorial addressed to the Prime Minister, and signed by the following persons in their individual capacity:—Magistrates, 1,413; Episcopalian clergy, 1,119; Roman Catholic priests, principally parish priests, 864; Presbyterian ministers, 342; Wesleyan ministers, 73; Primitive Methodist ministers, 34; ministers of other denominations, 52; physicians and surgeons, 744; Poor Law Guardians, 1,991; town councillors, 596; employers of labour, 453. I should mention that the signatures to this Memorial were obtained by



sending circulars through the Post Office; and we all know that the number of persons who will take the trouble of replying to a printed circular is small in comparison with those who would sign if personally appealed to. From this point of view, the Memorial in question is one of the most significant ever presented to a Minister of State. In addition to this, there have been presented to this House more than 1,000 Petitions, signed by over 200,000 persons of all classes, principally the middle and lower classes. Of these, 88 Petitions have come from Boards of Guardians largely representing rural populations; 46 from town councils, including urban communities like Dublin and Limerick; and the remainder from parishes, congregations, towns, villages, districts, societies, professions, and public meetings in every part of Ireland. This thing has not been done in a corner. The movement in favour of this measure has been open, above-board, and widespread; and no one can justly say that those who are opposed to it have not taken alarm at its promise of success. That portion of the Irish publicans who are opposed to it believe in its early success, and if they could rouse public opinion on their side, they would gladly and eagerly do so. But the truth is there is no public opinion to arouse on their side. They have shown themselves here and there at public meetings to move amendments, which were out-voted by overwhelming majorities; but they have convened no meetings of their own, and for the simple reason that the numbers who would attend them would be so small that it would render their opposition ridiculous. The fact is that Ireland is against them. Very likely we shall be told that the Irish Members are not united among themselves. I should like to know how much union is expected among Irish Members? Does England never succeed in obtaining anything in the shape of legislation until the English Members are united with regard to it? There were last year as many as four to one of the Irish Members who were in favour of this measure, and I shall wait patiently to hear on what occasions in all history since England became a free country there were in the proportion of four English Members to one in favour of any measure, and England did not get it? There is no such case. No one can be

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more sensible than I am of the inexpediency of classifying the Members of this House according to their nationality, but we cannot abolish facts by avoiding allusion to them. Shut our eyes to it as we please, there are English ideas, Scotch ideas, and Irish ideas represented in the House of Commons; and I think they are not the friends of either country who insist on a rigid uniformity in the laws by which they are governed. Now, in Ireland every class, rich and poor, high and low, want this Bill to become law, if ever they wanted anything; and surely a more innocuous idea never took possession of the mind of any people than that of suspending the custom of drinking in public-houses on the Lord's Day. I am far from calling in question the right of English Members to pronounce judgment on this Irish question, and to pronounce it adversely to our wishes. You say we ask some things that would be hurtful to England. But is that any reason for refusing us something that cannot by any possibility affect the social condition of the English people, or the political relations of the two countries? Scotland got this boon when Scotland asked for it. We admit your right to refuse it to Ireland, but there is a political prudence that ought to be allowed to take its place alongside Parliamentary rights. You have a right, which I do not question, to overwhelm the Irish Members in the vote to be given to-day. But when you have scored another victory over this peculiar idea of our country there will be a Parliamentary equity to identify itself with the cause of Ireland, and to proclaim that it too has been defeated in the unequal contest with English power. The hon. Gentleman concluded by moving the second reading of the Bill.

THE O'CONOR DON seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Richard Smyth.*)

MR. CALLAN, in rising to move that the Bill be read a second time that day six months, said, he wished to state, in the most explicit manner, that he did so neither as the advocate, accredited or otherwise, of the licensed vintners, nor yet because he was in favour of the unrestricted sale of liquors on Sunday in Ireland. He was neither directly or in-

directly connected with the trade, nor had any of his family the most remote interest either as a producer or vendor. He opposed the Bill, as he had ever done, on principle, because he disliked, utterly detested, all such compulsory prohibitive legislation, and because, also, he believed that the passing of such a Bill would lead to the creation of evils of much greater magnitude, in the shape of "shebeens" and irregular houses, than the promoters of the Bill professed it was intended to remedy. He trusted that the House would summarily reject the Bill, and by a decisive majority show the country that they did not approve of the persistent introduction of discussions of this nature, which could not have any practical or beneficial effect. He considered that a brief retrospect of the history of legislation with reference to the liquor traffic would conduce to the understanding by the House of the bearings of the Bill before them. In the Session of 1868 a Bill for regulating "The sale of fermented and distilled liquors by retail on Sundays in Ireland" was brought in by the hon. and gallant Member for Longford County (Major O'Reilly), Lord Cremorne, and Mr. Pim, the then senior Member for the City of Dublin. This Bill extended the prohibition of the sale of liquors to be consumed on the premises to the entire of Sunday, but permitted their sale for consumption off the premises from 2 o'clock to 4 o'clock P.M., and from 8 to 9 o'clock P.M., and by eating-house keepers to their customers at meals. That Bill, after considerable discussion, was referred to a Select Committee of 15 Members, of whom one was an English, one a Scotch Member, and the remaining 13 Irish Members, of whom four were still Members of the House—namely, the hon. Members for Antrim (Mr. O'Neill), Ennis (Captain Stacpoole), Cork City (Mr. Murphy), and Longford (Major O'Reilly). The Committee sat 13 days, extending over a period of two months. They examined 22 witnesses, representing almost every class and district in Ireland, and, the Irish Press not having the fear of breach of Privilege before their eyes, fully reported the evidence. The Committee, in preparing their Report, proceeded by Resolution; and they first resolved, on the Motion of the Chairman, the hon. and gallant Member for Longford, that—

"The hours for the sale of intoxicating drinks on Sunday and the other days enumerated in the Bill be from 2 p.m. to 7 p.m., except in the towns to be hereafter defined."

They next resolved that in other towns, to be afterwards defined, the hours should be from 2 P.M. to 9 P.M. These Resolutions were passed unanimously, and the Report of the Committee and recommendations appeared in the shape of the Bill "as amended by the Select Committee." In consequence of the lateness of the Session, the Bill was not persevered with, but was re-introduced in the Session of 1869, and withdrawn after discussion, on the representation of the then Chief Secretary for Ireland, that the subject would be dealt with by the Government Bill when introduced. That promise was fulfilled, and in the Licensing Bill of 1872 the hours for closing on Sundays recommended by the amended Bill of the Select Committee of 1868 were adopted. He asked what case had been made out to justify interference with the existing Act, which had been found to work satisfactorily, or what evidence had been brought forward to displace that given before the Select Committee of 1868? The hon. Member for Londonderry County (Mr. R. Smyth) had referred to the Memorial to the Prime Minister; but he (Mr. Callan) would ask how many of the 7,681 gentlemen who signed it were persons who were likely to use public-houses? Opinions of private individuals could be had as plentiful as blackberries; but the hon. Member for Londonderry County had failed to produce one single report or statement in support of his views, from one single magistrate or police officer responsible for the carrying out of the Act, and the accuracy of which could be tested. On referring to the evidence taken before the Select Committee of 1868, he (Mr. Callan) found that all those who had the largest experience of the working of the Acts regulating the liquor traffic were opposed to the total closing of public-houses on Sundays. Mr. John Lewis O'Ferrall, the Chief Commissioner of the Metropolitan Police, Dublin, speaking from large experience, said that—

"Total closing on Sundays would not be desirable. There was too much reason to fear that the evil of Sunday traffic, instead of being lessened thereby, would be aggravated."

Mr. Inspector—now Superintendent—

Carr, one of the ablest as he was one of the most experienced of the force in Ireland, said—

“There is less drunkenness on Sundays in Dublin than on any other day in the week;” and that “the closing of public-houses on Sundays would, in his opinion, operate injuriously;”

but he (Mr. Callan) referred with even still greater confidence to the evidence of the very rev. Monsignor M'Cabe, one of the vicars-general of the diocese of Dublin, who stated that “drunkenness was on the decrease,” and who, whilst most anxious for temperance, “could not recommend total closing” on Sundays, and considered—

“That it would be a hardship to deprive the working classes of all means of getting reasonable refreshments on Sundays.”

Mr. Hamilton, the resident magistrate at Cork, “would not advise the total closing of public-houses on Sundays,” and considered that so doing “would be unfair to the working classes.” Whilst Mr. John Charles O'Donnell, the resident magistrate in Belfast, perhaps the ablest and most experienced of his class in Ireland—certainly a far better authority than the Mayor of that town—“Did not think that public-houses should be altogether closed.” Mr. Ryan, R.M., County Wexford—

“Had no doubt that a very large class of people would feel very keenly that Sunday closing was class legislation.”

The Mayor of Cork also told the Committee that “it would be impossible to stop the sale of spirituous liquors on Sunday in that city,” and further said “that if it were done it would only lead to a worse state of affairs, by the creation of she-been houses to a very large extent.” He (Mr. Callan) would not further refer to the evidence taken before the Select Committee. No attempt had been made to displace it, and he would therefore content himself by stating that he had been informed by both Mr. O'Donnell, of Belfast, and Mr. Superintendent Carr that their opinions, as disclosed in their evidence, had been strengthened since 1868. Reference had been made to a meeting of the Dublin Corporation, where a Petition in favour of the Bill had been adopted. He knew some of the members of that body who had not taken part in the discussion, but who were strongly opposed to the Bill before the House. He would only refer to one,

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an Alderman—he believed the senior Alderman—who generally acted as *locum tenens* for the Lord Mayor, and who had himself declined that office—namely, Mr. Alderman Redmond, who had written him (Mr. Callan)—

“I am and have been connected with the spirit trade in Dublin for upwards of 40 years. I have at present two rather extensive establishments, one in the city and one in Kingstown, in neither of which is there any business transacted on Sundays, and although it would be to my individual advantage that all licensed houses were compelled to close on Sundays as I now do, yet from long experience and a thorough knowledge of the city I have no hesitation in saying that it is my opinion that the evil in a large city like Dublin of closing licensed houses on Sunday would soon be found to be much greater than to allow them to be opened for a reasonable time. This is not the age for class legislation, and a reasonable time should be allowed on Sundays for the working classes to provide themselves with refreshments, which is allowed to the wealthier classes without restriction at their clubs and hotels. These are my opinions hurriedly written, but they may be taken, at all events, as honest and truthful, according to my belief, as my personal interests would be very materially served by having every licensed house closed, as my own are at present, on Sundays.”

Reference had been made by the hon. Member for Londonderry County to the number of public meetings in favour of the Bill held throughout the country; but these meetings had not been called by local parties. They were called through the organization of a Dublin association supplied with ample funds by the general organization existing in this country, and the active agents of that association supplied the orators for the occasion. One of these meetings had been called in the town which he had the honour to represent, and which he regretted unavoidable circumstances had prevented him from presiding over. However, he was glad to take that opportunity to present the Petition adopted by that meeting and signed by the Chairman, Mr. James Norton, who was also, he believed, the President of the local Total Abstinence Society, comprising some 800 or 1,200 of the artisans and labourers of Dundalk, almost all of whom he was proud to number amongst his staunchest friends. He was glad of this opportunity of expressing the deep obligation he was under to the members of that body, who had nobly acted as his body-guard at the last Election. Every one of those electors was thoroughly aware

before the time for that Election of his sentiments on the question; but they had returned him notwithstanding, unpledged with reference to it, and he did not think any of them would change because of the vote he should feel it his duty to give upon it. Reference had been made to the opinions of the Mayor of Belfast. He had not the pleasure of the acquaintance of that remarkable gentleman, who, when before the Committee of 1868, stated that he "did not regard spirits as any refreshment;" and whose latest appearance was before the Premier the other day, when he threw dirt on his compatriots, and stated—

"That a great deal of the drunkenness which exists in Liverpool, Glasgow, and other large towns on this side of the Channel, is largely occasioned by Irish citizens coming over and bringing their whisky-drinking customs with them."

The Mayor of Belfast presided over a most remarkable meeting held in that city in the month of February in favour of the objects of this Bill. He would wish to direct the attention of the House to the nature of the statements made thereat, in order to enable them to judge of the somewhat fanatical nature of the movement. The Mayor of Belfast in his opening statement laid down the proposition that "the opening of public-houses on Sunday and the selling of whisky on Sunday was a gross breach of the fourth Commandment" and that they might as well violate a Commandment that forbade murder, adultery, or theft as violate a Commandment that forbade the sale of these articles on Sunday. And following after that extraordinary harangue came a reverend Professor, who denounced public-houses as "dens of infamy." The Mayor of Belfast permitted this language to pass with impunity, but he crowned the day's performance by, to those who knew the North of Ireland, a still more extraordinary performance: he silenced John Rea! After all that, which would have contented any ordinary man, he found the selfsame Mayor taking part in another meeting in favour of the Permissive Bill and Sunday closing, in the last month. The Mayor again presided, and outdid himself. He said that—

"The cardinal sin of the Jewish nation was idolatry, and that what idolatry was to the Jewish nation the liquor traffic was to this country. It was a sad reflection that the Eng-

lish-speaking people were found to be the most drunken race on the face of the globe. While they had to lament a sad state of things among the well-paid artizan classes, on the other hand, there had been an immense improvement in public sentiment. Those who could remember the festivities of 30 or 40 years ago would recollect that a host would not have done his duty to his guests, if he had not sent them all home drunk. In this respect there had been an improvement, and thanks to the influence of temperance societies that disgrace was largely removed. He had the honour, as an example, some two months ago to be invited to a dinner at Dublin Castle. The host and hostess were the Lord Lieutenant and the Duchess of Abercorn, and there were about 100 guests. He was glad to find that at the close of one of the most splendid dinners he ever sat down to, when the guests returned to the drawing-room, there was not a symptom of the slightest intemperance observable."

And this announcement, gravely made by one of his Excellency's guests, was received by the crowded meeting of Permissive Billites and Sunday closers with loud cheering as an incontestable proof of the influence in high quarters of the temperance societies. Such was a fair sample of the stuff talked by leaders of the movement in the North of Ireland. Comment was unnecessary. But taking up the report of another branch of the same body under a different name, "The Irish Temperance League," they would find it stated that—

"It becomes more and more evident that, if the Church is to be considered as faithful to her great trust and mission on earth, her relation to the total abstinence and prohibitory movement must be that of steadfast, unfaltering, wholehearted friendship. It is only when her ministry and her membership are purged from all complicity with the iniquitous, God-dishonouring traffic, either as vendors, consumers, or purchasers, that she can hope in confidence to see truth triumph, and the mightiest citadel in Satan's dominions razed to its very foundations."

Such was the language used, not after dinner, but in a deliberate and, no doubt, well-considered report—language not referring exclusively to any church in particular, but embracing all churches, and denouncing as God-dishonouring almost every Member of the House, save the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) and his chosen few. The organ of the Sunday Closing Movement, *The Alliance News*, drew attention to the Refreshment Bar of the House. It said that an excellent example had just been set in the Assembly of the Dominion of Canada by the shutting-up of the refreshment counter



there; and referring to this House went on to say that—

“Many speeches have been more or less spoiled, and many a vote given or lost through the influence of what is called a ‘heated imagination’—that is, an after-dinner speech,”—

and further on declared that the destinies of our Empire may some day be affected very seriously “by the consumption of liquor on the premises.” He merely referred to that in proof of the absurdity of the movement and the intermeddling propensity of its promoters. But, not content with all this, they had engaged Moody and Sankey, and in *The Irish Temperance Banner*, edited by the Secretary of the Irish Permissive Bill Association, Moody and Sankey were “trotted out,” asserting that no whisky seller could be a Christian, and that they would soon make their church “too hot” for such a sinner. He (Mr. Callan) had attended one meeting of the Sunday Closing Movement in Dublin as a spectator—in the round room of the Rotunda, which was scarcely half filled. A Jesuit talker, the Rev. Robert Kelly, whose reception by the audience far exceeded in enthusiasm that accorded to any previous speaker, was handed a “cut and dry” resolution to support; but the rev. gentleman, while strongly advocating temperance, &c., expressly guarded himself by stating that common sense obliged him to declare that all the good possible would be obtained by reasonable restriction of hours, and not by entire closing. This statement was well received by the meeting, but the rev. gentleman was soon “set upon” by the paid secretary, who demanded the whole hog or none. One result of Sunday closing would be an agitation for Saturday closing, and he had heard the Dean of the Chapel Royal declare that he would not be satisfied till the public-houses were closed from 12 o’clock on one Saturday till 12 o’clock on the next Saturday night. *The Times*, in a leading article on the subject, said recently—

“That between 60 and 70 of the Irish Members pledged themselves at the General Election to vote for the Sunday Closing Bill.”

He denied that such was the case. He had examined the files of *The Irish Times* and *Freeman’s Journal*, and could not find in the address of any of the candidates for Irish seats the slightest reference to the Sunday Closing question. Indeed, even the other day,

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on reading over the electioneering address of the hon. Gentleman the new Member for Kilkenny, the Chairman of the Executive of the United Kingdom Alliance, he failed to discover the slightest reference to what they call “the burning question of the day.” Surely, if the question was deemed so important, while Home Rule, Denominational Education, Amnesty, Amendment of the Land Laws, &c., were referred to, Sunday Closing would not have been treated with such silent contempt. In the same article it was also stated that—

“The adhesion of the Home Rule Members almost in a body to the Sunday closing movement is a proof that the measure is not likely to offend the masses who are most directly concerned, and whose convenience would be trenced upon. The Irish farmers and peasantry, and the tradespeople of the towns cannot be hostile to Sunday closing when the candidates who are seeking their votes openly declare for it.”

He believed that he knew who were Home Rule Members, and, with the Division List in his hand, he could confidently state, without fear of contradiction, that in the division of last year the numbers of Home Rule Members were 10 for and 6 against. He would next refer to the attempts at intimidation of hon. Members to compel them to vote for the Bill, and would state that he himself had been threatened with a contest in case he persevered with his opposition to the Bill, one of the paid officers of the Alliance having stated that if he did not withdraw the Notice which he had placed on the Table of the House that he would be opposed whenever an election took place for Dundalk. Well, he treated such threats with contempt, and would like to see the party in question or any other carpet-bag interloper attempt to interfere between him and his constituents. He had received an electoral memorial from Dundalk calling on him to vote for the Bill; and with reference to it would observe that immediately before the last General Election he had circulated his speech against the Bill made in July of 1873 amongst his constituents, and that from the beginning to the end of his canvass, as he had before stated, no objection had been made nor any question asked of him, and that therefore he could not with any self-respect change the vote he would give. He said that the memorial had been signed by a large number of his



constituents. [Mr. R. SMYTH: By how many?] By upwards of 260, of whom the greater number, he was confident, had voted for him before, and he felt equally confident would vote for him again. However, he was not a delegate; he was a Representative, and as such would exercise his own judgment. He would not be coerced or intimidated into any course, save that which his conscience dictated to him. Reference had been made to the number of signatures to Petitions, and the parties signing were classified and enumerated; but only one Petition had been presented from artizans, and the hon. Member carefully abstained from stating how many signatures of artizans were attached thereto. He would not trouble the House with statistics, save in one instance. Notwithstanding the operation of the Forbes-Mackenzie Act in Scotland, and perhaps in consequence of it, the consumption of spirits in Scotland in 1874, with a population of some 2,000,000 less, exceeded that of Ireland by 800,000 gallons. In conclusion, he would challenge the hon. Member about to follow him (the O'Connor Don) to show that that Sunday Movement had any spontaneity in Ireland. The organization in Dublin "got up" Petition meetings, &c., not one of which was the spontaneous outcome of the people, and from personal experience he could say that, judging from the City of Dublin, a strong feeling existed among the working classes against the measure. He thanked the House for the attention with which they had heard him, and again stating that he had no personal interest one way or the other, that he was only influenced by a deep sense of duty, hoped the House would, by a decisive majority, put an end to this annual Motion. He was in favour of the shortening of the hours of remaining open on Saturday nights and on Sunday; but he opposed the present measure in the interests of the poorer classes of the Irish people. He begged to move the rejection of the Bill.

MAJOR O'GORMAN, in seconding the Amendment, said: Sir, I opposed this Bill in the last Session of Parliament, and I shall oppose it this day, and for the same reasons, or some of them, as I alleged when I last spoke on this very important subject. I repeat that the passing of a Bill of this description would be a perpetuation of that which is

most hateful to Ireland—the making of one law for the rich and of another for the poor. A grave mistake was made by the Legislature when it declared a club to be similar to a private house. It is not so: there is no well-regulated club whose rules do not call on each member to pay his bill daily before he quits the precincts. This is not the case in a private house; but people who belong to clubs have a right to go to their clubs on Sunday, and drink whatever they please. People who live at hotels have the same privilege; yet these are among the people who come forward here and try to prevent poor people having anything on Sunday. Public-houses are for the accommodation of the poor, but clubs and hotels are for the accommodation of the rich. Now I will ask this question of hon. Members, with hearts in their bodies—and I asked it last Session. Suppose an artizan should take his sweet wife and children for a walk to Sandymount, near Dublin, on a warm Sunday. After a time he wants to return to Dublin. He is passed on his way by a gentleman driving a phaeton with a pair of high-stepping horses. When the poor man gets into Dublin he finds himself very thirsty after his walk. His wife and children are also very thirsty. As he trudges on and on, he passes a club-house, in the window of which he sees the rich man, who had shortly before driven past him on the road, drinking a glass of sherry, or possibly of dry champagne, while actually this poor man cannot get a glass of water until he has reached home. Sir, I say, there is no Irishman of spirit who would submit to such a mockery; you make slaves of a population if you treat them in that sort of way. But there is a stronger reason against this Bill. If you close public-houses on Sundays in Ireland you will clearly establish illegal sale of spirits, and most likely its illegal distillation. The consequence will be, that the police will be perpetually employed in the detection of that which was not crime before. The Petty Sessions Courts will be crowded every week or every fortnight with defendants losing their valuable time, and the whole land will swarm with Corydons and Talbots, who will first induce the people to violate the law, and then inform against them, to the great delight of the back stairs of Dublin Castle. I think that that con-

sideration alone ought to put an end to this Bill this day. But I can give you reasons stronger. I look upon this Bill as a puling miserable thing, a particular thing; nothing universal about it. Nothing holic—I dare not, I suppose, say Catholic—about it; an emasculated mile and a-half sort of thing. If we had a statesman who would do the right thing because it was right—if we had a statesman who would do the virtuous thing because it was virtuous, and not because it might affect prejudicially the pocket of the Chancellor of the Exchequer; if we had an old Irish Brehon sage here, how would he proceed? He would approach the question somewhat in this fashion. He would say—“This whisky is the destruction of my people.” [*Ironical cheers.*] I am glad to hear those cheers. “This spirit is the destruction of my people. It ruins their health. It deprives them of their reason. It lowers them in the scale of creation even lower than brutes in the field. It is manufactured of that which should provide food, not poison for my people. Let it end. Sunday and Monday alike. Let it never appear in our sacred island again. Go, my officers, to the bonding warehouses, drag out the puncheons, the pipes, and the hogsheads of this poison; swill the streets of my cities with it; and as the very dogs lap it up and fall prostrate under its influence, let Irishmen learn what a foreign nation has provided for their destruction.” [*Ironical cheers.*] Wait a moment. In order that the interest of a so-called National Debt, not one shilling, not one doit, not one farthing of which was ever incurred by Ireland, shall be paid. Here would be law-giving; here would be impossible drinking Sunday or Monday; here would be wisdom; here no class legislation could show its detested face; here would be Lycurgan severity, but Lycurgan justice. Here all would stand equal in the presence of respected not despised laws. But this miserable Bill deals with only one-seventh of the week. I do not believe in legal dram-drinking for six days of the week, and legal “hedging” of it for the seventh. It is a miserable Bill, as I said before. I, too, have received threats from people who, I suppose, call themselves constituents of mine, and who tell me I

shall be thrown out at the next Election if I do not support this Bill. I say—“Very well; be it so.” The Athenians ostracised Aristides. They got tired of hearing him called “the Just.” I shall not venture to compare myself to one of the greatest men of antiquity; but all I can say is that if my constituents ostracise me, I hope it will be [for the same reason. I hope the House will, by a large majority, express its utter disapproval of this Bill, and I very heartily second the Amendment.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words—“upon this day six months.”—(*Mr. Callan.*)

Question proposed, “That the word ‘now’ stand part of the Question.”

THE O’CONOR DON: Sir, the hon. Member for Dundalk (Mr. Callan) has alluded so pointedly to me in the course of his speech that the House will not be surprised at my desiring to say a few words by way of reply. He asked me—and I have no doubt that the House will expect an answer—whether the movement for the closing of public-houses on Sundays in Ireland was a spontaneous movement, or whether it did not owe its existence and the progress which it had made in the country to the exertions made by the Central Association in Dublin, which, he indicated, was affiliated with the associations in England? Before answering this question, I would first ask him, what does he mean by “a spontaneous movement;” how does he define “spontaneous?” In all political or social movements there generally is some central association, by means of which the principles of the movement are made known throughout the country. I believe that the hon. Gentleman the Member for Dundalk is a member of what is known in Ireland as the Home Rule movement, and I would ask him if that is “a spontaneous movement?” I have no doubt that he will say that it is; but yet there is a central association in connection with it in Dublin. There are various Home Rule associations throughout the country, and through the agency of those associations public opinion has been formed, and has expressed itself on the subject of Home Rule. But will the hon. Member for Dundalk say that the

*Major O’Gorman*

Home Rule Movement is not a "spontaneous movement" in Ireland? In the same way the Sunday Closing Movement in Ireland has its central association in Dublin, and through this association the opinion of the Irish people has been ascertained, and it may be, to a certain extent, formed. I say, therefore, that this movement is a spontaneous one, and that such machinery is necessary for the public to give form and expression to their spontaneous desires. I heard with regret the hon. Member for Dundalk, and the hon. and gallant Member for Waterford (Major O'Gorman) say, one after the other, that they had received threatening letters from the advocates of the Sunday Closing Movement in Ireland, threatening them with—I do not know what penalties, if they opposed this measure. This sending of threatening letters is a thing greatly to be deprecated. It is a proceeding which should be visited by the House with its greatest displeasure; and, further, it is a proceeding which is not at all likely to further the object which it has in view. But, Sir, I do not think that this practice, most objectionable as it confessedly is, is altogether confined to one side; I think we have heard of threats being uttered against those who support this Bill. But from whichever side threatening letters are sent, I believe their effect to be bad. Any man of an independent character will feel that he ought not to yield to this kind of coercion, and the effect of such a letter upon him would be that if he was in doubt before, he would immediately go over to the opposite direction. Therefore, I say this is a foolish policy to adopt on the part of those who desire the success of the principles they advocate. For myself, I may say that I have been in receipt of no threatening letter on this subject. I support the second reading of this Bill on the same grounds as I have supported a similar measure on former occasions; and I do it because I believe that it will do the country more good than its rejection, and my support to the Bill is not due to any manifestation by my constituency either one way or the other. I will now pass for a moment to consider the arguments of the hon. Member for Dundalk. He attacked the memorials and Petitions which had been presented in favour of the measure on

the ground that, although they were signed by a great number of people, yet they were not the people who would be affected by the closing of public-houses on Sundays. The hon. Gentleman asks—"Who are these people; are they the people who use public-houses?" And he replies—"No, they are magistrates, clergymen, and people belonging to the upper classes; people who do not want such places of resort, and who never use them;" and the hon. Member thinks on this ground that we should attach no weight to their opinion. [Mr. CALLAN: Hear!] I am glad the hon. Member agrees that I have not misrepresented him, because I shall directly fix him with some inconsistency with regard to these memorialists. After informing the House that no weight must be attached to the opinions of these magistrates, clergymen, and persons belonging to the upper classes, in support of the closing of public-houses, the hon. Member proceeds almost immediately to quote the evidence given in favour of the keeping open of public-houses on Sundays, given before a Committee of this House, and by whom? By the working classes? No; but by magistrates, clergymen, and people of the upper classes, whose opinions the hon. Member says are of no value when in favour of the closing of public-houses. I should have thought that when the hon. Member made up his mind to oppose the Bill that he would have prepared himself with evidence to prove conclusively to the House that there existed a strong feeling in Ireland against the measure. I should have expected that he would have come armed with memorials and Petitions against the measure from those classes of society who do use the public-houses. But, I have looked in vain for any argument from the hon. Member to prove that any strong feeling exists amongst the working classes in the country against the Bill. This is not a new question. It has been for a long time before the country, and, according to the hon. Member, has been fully discussed by the working classes, who had pronounced against it in the most marked manner to him by thousands.

MR. CALLAN: I beg the hon. Member's pardon. I distinctly stated that during the last six months I had been largely amongst the artizan classes of

the City of Dublin, amounting to more than 100,000, and that I found a very strong feeling existed amongst them against the Bill.

THE O'CONOR DON: Then why is it that this strong opinion is not embodied in some tangible form and presented before the House? If such a feeling does exist, why is it that the licensed victuallers have not flooded this House with memorials and Petitions signed by working men? The licensed victuallers of Ireland are not an ignorant and brutal race; they are intelligent, and know very well how to protect their own interests; they have of late years spent large sums of money, and studied greatly to successfully organize an agitation against this Sunday Closing Movement. As I have said, the Bill is not new, and if the feeling exists which the hon. Member for Dundalk says does exist, it should have taken a tangible form. I may remind the House that the movement for the closing of public-houses on Sundays is neither a party nor a religious one, notwithstanding that the hon. Member for Dundalk endeavours to impress on the House that there is something of a religious character mixed up with it, for he says that the Bill springs from the Sabbatarian feelings of the people of the North of Ireland. But if he be not mistaken, how does he account for the support which is given the Bill by the Roman Catholic priesthood in counties where their influence dominates; and how does he account for the fact that in three Roman Catholic dioceses in Ireland this measure has been voluntarily put into operation through the influence of the Roman Catholic clergy? We have heard before that this is a class question; that it is legislating for one class, and by another; that we are legislating against the working classes, and against them exclusively; and we are asked, with somewhat of an air of triumph—"If this is not class legislation, then why is it that you do not extend the provisions of the measure to clubs?" I deny that this is class legislation, except so far as arises out of the circumstances of the parties. The general rule of this country is that there shall be no trading on Sundays, and as there is an exception in favour of the liquor traffic, all that this Bill asks is, that that exception shall no longer exist. I believe that the bakers'

*Mr. Callan*

and the butchers' shops must be closed on Sundays; in shutting these shops on Sundays it might be said that we are shutting them against a particular class, for the rich man can get his bread and meat at his club, and the poor man cannot; and therefore you legislate against the class who cannot have their clubs. But that is not so; the baker and the butcher are closed against all alike, and working men may have their clubs as well as the rich, and then they will suffer from no restrictions which do not affect the rich. All that is asked by the Bill is that there shall be no exception made in Sunday trading for the liquor traffic. So far as clubs are concerned, they are used for different purposes than those for which public-houses are used; and if the time should arrive when clubs were used by their members for the one purpose of Sunday drinking, then I believe that some hon. Member would be found to possess sufficient courage to rise in his place and ask that those clubs should be shut on Sundays. But, Sir, why is it that an exception is made in favour of this particular commodity? It is obvious that it arose from the custom of the working classes to drink beer along with their meals; and as it was not desirable for working people to lay in a stock of beer over night, exception was made for public-houses to open on Sundays for the sale of beer. That may be a very good reason for the opening of public-houses on Sundays in England, but it does not apply to Ireland, where beer is but little drunk by the working classes, and very little drinking of any sort of spirituous liquors takes place at the time of meals. When the Irish working man drinks, it is not at his meals, and it is something more potent than beer—it is whisky. He drinks this whisky at an hour which has nothing whatever to do with meal times; and therefore the deprivation of power to purchase whisky at meal times would not in any way interfere with the comfort of the Irish working man. The reason which I have given for the opening of public-houses on Sundays does, therefore, not apply to Ireland. If the feeling of the people of Ireland is not largely in favour of this measure, then it will not work satisfactorily; but I believe that the feeling of the people of the country is largely in its favour. Should any difficulty, however, arise in



the working of the measure, it would, no doubt, be in the large centres of industry, such as Cork, Belfast, and Dublin; but the great good which its operation would effect throughout the entire country would much more than make up for any difficulties which might arise in the large towns. The opponents to this measure sometimes cite the case of Scotland, where public-houses are closed on the Sunday, but where they say that a large amount of Sunday drinking is carried on. I am not conversant with the customs of Scotland; hon. Members representing Scotch constituencies may be able to afford us some information on that subject; but from my knowledge of my own countrymen I can say that not one out of ten would shut himself up in his own house for the purpose of private and solitary drinking. The majority of Irishmen drink from a social feeling, and not from the mere pleasure of drinking. These, then, Sir, are my reasons for supporting the Bill. I believe that, if it passed into law, that it would be attended by very great beneficial results; I support it with the full consciousness that there will be difficulties in the way of carrying its provisions into operation in the large centres of population; and I am ready to admit that, unless the Bill is in harmony with the general feelings of the population, that it will practically fail in its operations; but, in spite of all difficulties and chances of failure, I believe that a Bill putting a stop to the sale of intoxicating liquors on Sundays will prove a great boon to the people of Ireland; and, notwithstanding that some disadvantages may be urged against it, the advantages to be derived from it are immensely in its favour.

MR. KAVANAGH said, that, in supporting the second reading of the Bill, he felt constrained to assign some of the reasons which had induced him to alter his opinion on the subject. He had hitherto resisted its passage, on the ground that he thought it savoured of class legislation, and that it was an interference with the rights of the working man; but further consideration of the subject had led him to think more favourably of it, and induced him to form the opinion that when society was unable to regulate its own actions, in accordance with the rules of propriety, then it was the time for, and the duty

of, the Legislature to interfere. He had had brought before him overwhelming evidence of the evils produced in Ireland by Sunday drinking, and of the overwhelming desire of the great body of the people that the Legislature should deal with the matter as proposed by the Bill now before the House. He had heard many objections urged, but he was not scared by the fear that the passing of this Bill would lead to what some described as private and illicit drinking. He knew the people well, and he did not believe that, although easily led and prone to yield to temptation, their character was that of besotted drunkards. So far from it, the Irish people possessed many high and many estimable qualities, the standard of morality of the nation was considerably above the average, and if we could provide or guard against two principal causes, Ireland might challenge the world for immunity from crime. The two causes to which he alluded were these—first, disloyalty and discontent, originating in past mismanagement, and now kept alive by unceasing agitation, with the crimes which had grown out of that cause. Government had been endeavouring to deal with it of late, and he was sorry to say, had met with but qualified success, and for this reason that legislation had been directed to lop the branch, and not to cut the root. The second cause of crime in Ireland was drunkenness, and in coming here that day to ask the House to pass that Bill, they were asking the House not to lop the branch, not to deal only with effect, to lay the axe to the root, for he believed that Sunday drinking was the most prolific cause of the crimes which filled the Irish calendars, and Irish Members came there with one accord to ask Parliament to mitigate that evil and remove the temptation. They did not come as unreasoning beings to seek for impossibilities, they came with a request, and with the request they pointed out the means to grant it, and he thought a request of that nature, prompted by the best intentions, and practically certain to be productive of the best results, should not be lightly refused. He should say no more, but give the second reading of the Bill his most cordial support.

SIR GEORGE BOWYER said, he had a Petition to present from a town



tical unanimity. But in the following year, when the people affected by it found out what had been done, such tumult and disorder arose that the Act had to be speedily repealed. Again, the Permissive Bill of the hon. Baronet the Member for Carlisle had been brought forward, he knew not how often, and supported by Petitions numerous signed, and on one occasion it obtained a second reading. [Sir WILFRID LAWSON: I beg pardon; I am very sorry to say it never did.] Well, at any rate, it very nearly achieved that success; but even the hon. Baronet, sanguine as he might be, must be one of the first to acknowledge that his project had not recently advanced in popular favour. And why was this? Because since its original introduction the people had become familiar with its scope and intent, and were determined that it should not become law. They were told that Petitions containing tens of thousands of signatures had been presented in favour of the present Bill; but in one Session Petitions having 1,000,000 of signatures attached to them were presented in favour of the very same measure for England, and yet it would now be generally admitted that in this country absolute Sunday closing would be impossible. Those facts proved that they could not take as an infallible test of public opinion in any part of the United Kingdom expressions in favour of a proposal of that kind, emanating, as they had so largely done in that case, from the middle and upper classes. Meetings had been held in Ireland, more or less numerous attended, in support of this Bill; but in some instances, and notably at Limerick, the result was an absolute riot, in which nobody knew positively what decision was come to on the question. But if a riot was caused merely by the discussion of this measure at a public meeting, what would be the effect if the people found to their surprise that this Bill had become law? The hon. and learned Member for Marylebone said the passing of the measure would remove disorder in Ireland; but his (Sir Michael Hicks-Beach's) own impression was that it would rather tend to create disorder. Last autumn he received at Dublin a deputation strongly in favour of the Bill from working men in various centres of population in Ireland;

*Sir Michael Hicks-Beach*

but on questioning them he failed to discover any evidence of their authority to speak on behalf of the class they professed to represent. Nay more, on a closer examination, he found out that they were all teetotalers, and that therefore they were the representatives of a class who were not affected by the provisions of this Bill. The main argument in its favour was that it would put a stop to drunkenness in Ireland. He would not approach the consideration of the question from the point from which it had been approached by the hon. Member for Londonderry (Mr. R. Smyth), that drinking was itself an evil.

MR. R. SMYTH said, he had not stated that, but that, on the contrary, he could not blame those who were willing to sell him intoxicating liquors when he was willing to buy them.

SIR MICHAEL HICKS-BEACH was very sorry if he had misinterpreted what had been said by the hon. Gentleman; but there could not be a doubt the Bill would be supported by many who thought even the moderate use of intoxicating liquors a great evil. For himself he could not entertain that opinion, nor could he, on the other hand, contend that there should not be any restrictions placed on the sale of spirits on Sundays. Parliament had certainly refused to endorse that principle, for it had enacted that in Ireland in towns of a certain population public-houses should not be open on Sundays, except in the interval between 2 o'clock and 9 o'clock P.M., whilst as regarded all other places, the open hours should be from 2 o'clock to 7 o'clock P.M. Upon the whole, he was of opinion that these restrictions had worked well. He certainly had received some complaints of their having given rise to the sale of intoxicating liquors in unlicensed houses, but still not to such an extent as to call for the interference of the Legislature. But it did not follow that because these restrictions on the hours of keeping open had worked well that the total closing of public-houses on Sundays would not cause a great increase in the number and gains of unlicensed houses. There were only two classes of people whom this Bill could affect. The first was the class of moderate drinkers. For his own part, he could not see any harm, but on the contrary a great deal of good, in per-

sons being able to obtain at a public-house on Sunday that which was moderate and necessary refreshment. This Bill was not necessary to restrain that class of people from drunkenness, but nevertheless it would affect them, and cause them a great deal of inconvenience. What reason was there, by passing a law of this kind, to inconvenience people who, without the restriction of any law, could control the passion for drink? The only reason that could be alleged was, that in no other way could you promote sobriety among another and a smaller class of people who were supposed to be incapable of restraining the propensity to get drunk, and to indulge this propensity to such excess that they could not pass the door of a public-house without yielding to the temptation. But could it be supposed that the total closing of public-houses on Sundays by law would prevent persons so incapable of self-restraint from getting drunk somewhere else? In respect to that argument, he might mention that one of the members of the workmen's deputation which lately waited upon him at Dublin complained that he and his family were annoyed by the noise and drunken riot which took place in houses near them on Sundays. Hearing that complaint, he asked the man at what time of the day the annoyance complained of occurred. The reply he had received was that it occurred on Sunday morning, during the very hours when the public-houses were now legally closed. He did not mean to say that, at the present moment, the drinking in unlicensed houses, or at illegal hours, was very great, but he was fortified by the evidence of the Commissioner of the Dublin Police force in saying that if they were over stringent in dealing with drinking in licensed houses, they would only stimulate the illegal traffic in unlicensed houses. Mr. O'Ferrall, Commissioner of the Metropolitan Police, Dublin, stated before a Committee of that House which sat in 1868 that the public-houses in that city were for the most part well-conducted, and that the law was sufficiently stringent; but that if those public-houses were to be superseded on Sunday by unlicensed drinking places, which there was too much reason to fear would be the case if the former were closed all Sunday, the evil of drunkenness would be aggravated instead of lessened. A superintendent of the Dublin Police

gave similar evidence. He therefore asked the House seriously to consider whether, if they passed an Act which in large towns was almost certain to be evaded, they would be strengthening the authority of the law in Ireland, or whether they would not, on the contrary, be really weakening it. However great was the improvement which had taken place in the habits and feelings of the Irish people, they were still not too well affected to the law or too anxious to obey it, and therefore they could not do a more mischievous thing than to adopt for Ireland a law that would either be met in that manner, or, if so strictly carried out as really to prevent any sale of drink on Sundays, would infallibly lead to scenes of riot and disorder. He was not speaking without reference to past legislation on this question, for Sunday closing had not been untried in Ireland. In 1807 it was enacted that there should be no sale of spirituous liquors by retail between 12 o'clock on Saturday night and 12 o'clock on Sunday night, nor of wine, beer, cider, porter, or perry on Sundays before 2 o'clock, except to travellers. In 1808 this law was altered to a Sunday Closing Act, under which offenders were subjected to a penalty of 40s. for the first offence and £5 for a second. That remained the law until 1815, in which year it was repealed; he supposed because it did not work. Houses were then allowed to be opened for drinking anything but spirituous liquors, which were to be supplied only to inmates and travellers. In 1833 a regulating Act fixed the open hours from 2 o'clock in the afternoon to 11 o'clock at night, and that remained law until 1872. As already stated, in 1868 the hon. and gallant Member for Longford brought in a Bill for the total closing of public-houses on Sundays, except so far as drink might be supplied with food by eating-house keepers. That Bill was referred to a Select Committee, which sat two months and examined 22 witnesses. From that Committee the Bill emerged as one for opening public-houses in towns from 2 o'clock to 9, and in the country from 2 o'clock to 7—precisely the hours which were established in 1872 by the late Parliament. By the Act of last year the House had imposed further restrictions upon the mode in which licences were issued, and it had passed other provisions designed to check drunkenness.

Notwithstanding, it was said that drunkenness had increased in Ireland. For one, he believed that the recent changes had not been in operation sufficiently long to have had a fair trial, and that the apparent increase of drunkenness was not a little due to the greater vigilance of the police. If, however, the increase was not apparent, but real, the evil would be best met, not by passing laws which would occasion inconvenience to a large number of persons who were not drunkards, but by the magistrates using properly and with discretion the power of punishing drunkards which the law had invested them with, and, further, by such improvements in the discipline of Irish prisons as would insure that the punishment of the drunkard in gaol should be more real than it was at present. He admitted that voluntary Sunday closing had succeeded in the Roman Catholic dioceses of Ferns, Cashel, and Kilmore, thanks to the excellent and salutary influence of the Prelates of those dioceses; but could it be argued that that which succeeded as a voluntary movement must necessarily succeed when compulsorily imposed upon the inhabitants of other dioceses, where its voluntary adoption was admitted to be impossible? Sunday closing had been in operation in one diocese for 15 years and in another for 12; and he wanted to know why this voluntary movement had not been extended to all the other dioceses of Ireland? The reason was that those dioceses which he had named consisted almost entirely of country districts, and the real difficulties of this question arose when you began to deal with the large towns. If total closing on Sundays were extended compulsorily to large towns, one of two evils would arise—either the law would be evaded by unlicensed houses, and consequently drinking would be carried on in a far worse manner than now, because without any legal power of supervision; or, if it were carried out strictly, it would lead to scenes of tumult and disorder which he had rather not contemplate. Those who were in favour of the Bill would be better advised if they would approach the subject tentatively, as it was approached in 1868. If they were to ask that restriction, because it had been successful, should be carried a little further, and that the present hours should be further curtailed, their proposition would deserve the careful attention of

the House and of the Government. And if, after due inquiry, such further restrictions should be adopted and should prove successful, it might then be time to consider whether public-houses could be entirely closed on Sunday in the country districts. But as the Bill now before the House proposed immediate and universal Sunday closing, which could not be safely or properly carried into effect, the Government must give it their opposition.

MR. GLADSTONE: Sir, I shall detain the House but a few moments on this question. I think we must all feel that, though there is much to be said against stringent measures of prohibition in regard to the use of strong liquors, there is much to be said in their favour. We have not heard on this occasion—and I am glad of the omission—so much reference as is usual to the unlimited liberty which is enjoyed by the upper classes in respect to the use of spirituous liquors on the Sunday, even although purchased by them in their clubs. On that subject I think it is only necessary to say it would be a very great mistake, whatever difficulties may surround the question of clubs, on their account to withhold from the public the benefits of any measure which appeared on other grounds to be beneficial. For my own part, I do not hesitate to say if, so far as regards spirituous liquors, the difficulty of an invidious distinction between classes was felt to be of a very serious nature, I would rather endeavour even to apply restriction, with some deviation from the usual rules, in the case of the upper classes—the argument being supposed to be general and complete—than I would withhold the advantages of it from the masses of the people. I will not, however, enter into general considerations of the expediency of restrictions, nor speak of the enormous public mischiefs of drunkenness, because I think the scale is turned in the particular case before us, not by the special view I may happen to entertain myself of the balance as between those evils and those advantages generally, but by circumstances peculiar to the case of Ireland. I admit it is rather a serious matter and a responsible act to vote for the second reading of a Bill of this kind, in the face of the objections to it stated by the right hon. Gentleman as the organ of the Government. At the same time, that does not exempt me from the duty of

*Sir Michael Hicks-Beach*



examining, at any rate slightly and briefly, the nature of the objections taken by the right hon. Gentleman. He made a most important admission towards the close of his speech, an admission which appeared to me to cut away from under his feet the whole ground he had laid in justification of the course he intends to pursue. He said that if this were a Bill which dealt only with the country districts and did not embrace the case of the large towns it would, in his judgment, be a Bill that might be properly entertained; but because it embraces the large towns, he proposes to resist the second reading of the Bill. That would be a very intelligible ground, to my mind at least, if Ireland were a country consisting principally of large towns; but how many are there, and what fraction of the whole population do their inhabitants form? It is a country in which nine-tenths and perhaps even four-fifths of the people live outside the large towns. Surely then if the right hon. Gentleman admits that the scope of the Bill is reasonable so far as four-fifths of the people are concerned, the consistent course for him to take would be to support the second reading of the Bill, and when in Committee fairly raise the question of the large towns. In that case all he could say with his usual ability and the weight of the office he fills would be attentively weighed and considered by the House. If logic governed our proceedings we should be entitled, notwithstanding the speech of the right hon. Gentleman, and his objection, which we cannot hope to overcome, to claim his vote for the second reading, in consequence of the admission he made as to the suitability of the Bill for the majority of the population. Much has been said as to the probability of disorder in the event of this measure being passed; but I must confess I cannot attach much weight to that consideration, and here I stand mainly upon the negative evidence of the speech of the right hon. Gentleman. Armed as the Government is in Ireland, even much more effectually than in England, with the means of collecting the judgment of experienced and responsible officers all over the country through a force controlled strictly by the Executive Government—I mean the Constabulary—I feel perfectly convinced if there had been, in the opinions of those best informed, reason to apprehend general or frequent outbreaks of disorder in

Ireland in consequence of the carrying of a Bill like this, the right hon. Gentleman would have been able to come down with such an array of testimony to that effect as would have gone far to silence the arguments of the supporters of the Bill. But only a solitary opinion to that effect was quoted by him and I must say that I attach the greatest consequence to this negative evidence afforded by the speech of the right hon. Gentleman. Then the right hon. Gentleman said there might be an apprehension of substituting a system of unlicensed for licensed drinking; but then again there are many who would have been able to give as confident an opinion as the right hon. Gentleman, and to have supported their opinion by powerful evidence, if there were any real and extensive apprehensions upon that subject. It appeared to me that, in alluding to this contingency, which is that of a serious evil, he spoke with proper and becoming reserve, and carefully guarded himself against giving to the House an opinion as to the results of the Bill with that confidence which he would have been justified in assuming if those connected with the collection of the Revenue and the suppression of distillation had been really of opinion that the effect of this Bill would be to cause the substitution of unlicensed for licensed drinking. Without doubt the special feature of the case is the state of opinion in Ireland at the present moment, and I must confess I do attach to that state of opinion the very greatest consequence. We are not now considering an application to place Ireland under laws and in a condition without example in the United Kingdom. A law substantially in conformity with this Bill has been in operation in Scotland for 20 years; and I would observe that the only question with respect to this law, is not whether it has done evil, but whether the amount of good it has done is great or small. That, I think is a fair statement of the case with regard to the Forbes Mackenzie Act in Scotland. Is not this one of the questions on which the people of the Three Kingdoms are in equity fairly entitled to have an opinion for themselves? I have had credit and discredit—to neither of which I am entitled—for having, as was supposed, in this house, delivered myself of the sentiment that Ireland ought to be governed by Irish ideas. I never gave utterance to such a sentiment

drinking in Scotland on Sundays, no one had pretended that that Act had not worked beneficially, and there had been no successful attempt to repeal it. But then it was said that if they voted for this Bill as regarded Ireland, they must, to be consistent, vote for it as regarded England. That was the sort of bugbear with which the House was threatened. In the first place, the national beverage of England was entirely different from that of Ireland. The common beverage in England was beer; and, although he was sorry to say that a great deal of drunkenness existed from the consumption of beer, yet that was not to be compared to the drunkenness induced by the fiery nature of the whisky drunk in Ireland. He believed beer, when drunk in moderation, to be most strengthening; but he never heard anyone say that whisky was strengthening. All it did was to inflame the blood. It might, perhaps, support waning energies for a moment, but no one's strength increased by drinking whisky. More than that, the habits of the English were different from those of the Irish people. In England, we were content with the system which now existed for restricting drinking on the Sunday, and there was no general feeling against the law as it stood; whereas, in Ireland, he ventured to say that there was an enormously preponderating mass of public opinion in favour of Sunday closing. Then he had another reason for voting in favour of the second reading of this Bill. The House had been engaged a long time, and would be engaged for some time longer, in passing a Peace Preservation Bill. That Bill had been truly described as nothing more or less than a Coercion Bill. They were about to deprive Ireland of the constitutional rights which every Englishman and Scotchman enjoyed. He had voted for that Bill with great reluctance, but he had done it because he put perfect confidence in the present Ministry, who told them that the Bill was necessary in order to preserve peace in Ireland. He had therefore supported it, although reluctantly; but in doing that he would say that the House ought to remove every temptation to disorder in Ireland. No man could deny that the annals of the Assizes and Quarter Sessions showed that a great proportion of the crime in Ireland was due to intoxicating liquors. Now, he wanted

to be able, as soon as possible, to get rid of these Coercion Acts, and not give the Ministry an excuse for saying that they were to be continued because there had been an increase of crime in Ireland. The House ought therefore to remove every temptation to disorder, and do all it possibly could to make the people moral, industrious, and sober. It might be said that there was no connection between Ribbonism and drunkenness, and at first sight there appeared to be none; but he could show that there was. What led to poverty, to pauperism, to want of moral stamina? It was drunkenness. And, depend upon it, the men who would be most open to the influence of Ribbonism, sedition, and conspiracy, were those who had been demoralized and pauperized by drink. Therefore, in the interests of the Irish people, and with the view as far as he could, by the vote he was going to give, to make them more industrious, moral, and sober, he should vote for the second reading of this Bill. He would say one word with reference to the objection which had been urged by the hon. and gallant Member for Waterford (Major O'Gorman), that they wanted to have one law for the rich and another for the poor, and to that of the hon. Member for Dundalk (Mr. Callan), that this was class legislation. But what was that which now existed with respect to the sale of intoxicating liquors but, in a certain sense, class legislation? Public-houses were partially closed on Sundays, but clubs were not; and this might be called class legislation. The only other objection was that to close the public-houses would entail a loss upon the country. The only Petitions against this Bill were signed by the publicans in Dublin, and of course they would lose a certain amount of money by the loss of the sale of drink which they would otherwise have on the Sunday. But he thought it would be a great boon to the licensed victuallers of Ireland to be able to have one day's rest out of the seven. And when they talked of loss, he might mention that, as they had recently heard in that House, when a crime was committed in any particular locality in Ireland, it was visited by a pecuniary penalty on the district as compensation for the injury sustained; and if this fruitful source of crime was removed, it might be expected

*Mr. Forsyth*



that the loss sustained by the closing of public-houses would be compensated for to some extent by a diminution of crime. The only loss which would be felt would be by the Chancellor of the Exchequer; but his right hon. Friend would, he was sure, far rather lose a little sum of money from the sale of spirits than receive an income connected with the intoxication of the people. For the reasons he had given he should vote for the second reading of this Bill.

MR. O'SHAUGHNESSY said, that apart from the licensed victuallers, with whom he should not deal, and who appeared perfectly able to defend themselves in the matter, Ireland was divided into two classes on this subject. On the one hand there were the upper and middle classes, who, in many parts of Ireland, and indeed all over the country, had expressed a strong opinion in favour of this Bill. According to their, not unanimous, but preponderating, opinion, it was desirable to inflict restrictions, which, it must be remarked, would not interfere with their Sunday enjoyment, on the millions, in order that certain sections of the millions might have their temptations lessened, and that their scale of morality might be raised. Now, it was a remarkable fact that the strength of opinion amongst these upper and middle classes varied considerably in the different phases of those classes in Ireland. There was no doubt that this Bill had received a large amount of support on the part of those who sympathized generally with the people; but it was still more certain that the main strength of the support of this class lay in the advocacy of men who on general topics had very different identity and very little sympathy with the people. He should be sorry to say that any Irishman was consciously influenced by an indirect or improper motive in supporting the Bill; but it was well known in Ireland that the feeling of many of those who supported it was far from being as unmixt as they themselves believed. In the first place, it was supported by some—he would not say there were many of any creed or shade of politics—to whose conviction it was very hard to bring home this principle—that the poor man was entitled to a paramount voice on this question, or, indeed, to any voice at all. They argued that a certain percentage of Irishmen

were vicious and incorrigible drunkards, and that, as they had satisfactory experience of what an Act of Parliament could do and of what it could prevent in Ireland, they would proceed to make the Irish people sober by compulsion. It was a pity that some of the supporters of this Bill, both in and out of that House, grounded their conduct, partially, no doubt, on sound moral reasons, but also on political reasons which were of a very distinct character, and of a character that was exceedingly odious to the Irish people, and particularly to those sections of them who would be affected by this legislation. He had heard, both in and out of that House, Irish gentlemen who supported measures of repression like this, but objected to the most moderate concession of the Government as to the Coercion Acts as revolutionary, advocate Sunday closing because, as they alleged, and as the hon. and learned Member for Marylebone had just said in the most courteous way, it would deprive the Irish artizans and labourers of the temptation of discussing seditious and lawless topics, which, under the influence of the bottle, they would be disposed to discuss on Sunday afternoons. In other words, it was well known that, whatever might be the merits of this Bill, the enormities of the evils against which it was directed, or the arguments in support of it, there was a certain well-defined class of influential Irishmen who supported it because, amongst other reasons, it was a satisfactory accompaniment of the Peace Preservation Act. The Gentlemen who had brought forward this Bill, and had presented the memorial which bore the signatures of so many professional men, ecclesiastics, and merchants responsible for the peace and prosperity of the country, had sent a circular to all the Irish Members, in which it appeared they relied on this memorial as the strongest and most conclusive evidence of the opinion of the people of Ireland in favour of this Bill. Now, this memorial did not purport to come from any of the millions who were to be restricted by this measure from an enjoyment which was sometimes abused, but which in the majority of cases was perfectly innocent. He wished to call attention to a remarkable fact connected with the signatures to that memorial. The number of Catholic Bishops and clergymen in Ireland was, he be-

lieved, equal to that of all the Protestant clergy and dignitaries of every other denomination taken together, and from his recollection of the memorial there were attached to it about 1,600 or 1,700 names of Protestant clergy and dignitaries, and only the names of 12 or 13 Catholic Bishops and about 650 Catholic priests. No one—and least of all those who advocated this measure—would dare to insinuate that the Catholic priest was less alive to the evils of intemperance than the Protestant clergyman. Unfortunately, in Ireland the Catholic priest had to cope with intemperance in greater force than the parson. It was amongst the humbler people in all countries that this evil most existed. In Ireland the humbler class consisted mainly of Catholics, and he asked why it was that they found what was comparatively speaking so small a number of Catholic clergymen and Bishops affixing their names to this Memorial? Within the last 48 hours he asked an Irish gentleman of perfect sobriety and great intelligence, what the Bishop of his diocese, which was one of the most Catholic in Ireland, was doing about this Bill; and he told him that his Bishop was not actually opposed to the Bill, but rather looked to other measures for the permanent triumph of temperance in Ireland. The Bishop was beginning to think that compulsion could not cure this evil; that it would only irritate the people to whom it was applied without their assent; and that possibly it might not develop to its most desirable extent the results hoped for by those who pressed for this measure in its entirety. He might be told that a vast number of other Catholic priests and Bishops, amongst whom was his own Bishop, had signed Petitions in favour of this Bill. That was perfectly true; but he had talked to many people in Ireland who had signed these Petitions, and he found that an idea prevailed in their minds that they did not want Sunday closing in its entirety, but only such restrictions against Sunday drinking as would prevent the excesses which now disgraced the Sabbath in Ireland. He believed these were the views of many of the Roman Catholic clergymen and Bishops, and that if the cases of many of those whose names were absent from the Memorial were inquired into, it would be found that, while they were in favour of strong measures of restriction, they hesi-

tated to press for Sunday closing entirely. He strongly suspected that in those districts where voluntary closing existed illicit drinking went on, notwithstanding the admirable conduct of those districts as a rule. But there was a question to be considered before that of the utility of Sunday closing, and that was—had the masses in Ireland, or any preponderance of them, given any assent at all to this Bill? If they had not, hon. Members were attempting to enforce the virtue of temperance without consulting the millions whom this Bill would affect. By attempting to force this measure they were only irritating the class whom they wished to regenerate. If the masses did not assent to the restrictions sought to be imposed upon them, the Bill, if it passed, would be a failure; and if it was a failure in a country which, he was sorry to say, was torn by dissensions, it would be the best proof that could ever be given that they could not make people moral or sober without their consent by law. When they called to mind the active organization supporting this Bill, they could not regard the fact of 200,000 signatures as a proof that, in a population of 5,000,000, there was anything like that preponderating assent which would entitle the House to pass this Bill. But it would be said that there were no Petitions on the other side. There was no money amongst the masses to get up organizations for petitioning in a case of this kind. It was a remarkable fact that even the publicans had not attempted to do it. That showed, at all events, that the publicans were not really at the bottom of the opposition to this Bill. They had not subscribed anything towards getting up any opposition to it, and from all he had heard the working class did not believe there was any possibility of this extreme measure becoming law. That accounted, to a certain extent, for their indifference. He did not say what ought to be their opinions, but this he did say—that if it was assumed by the House that the people of Ireland had assented to this measure, while the fact was not so, the passing of the Bill would be dangerous to the public peace. No doubt, Petitions had been sent in in its favour; but in many of the great centres of population, meetings had been held which had by no means been unanimous. Take the city of Limerick, which he represented. A

*Mr. O'Shaughnessy*

public meeting was held in that city, the result of which was a great deal of confusion and disturbance. He was not present at that meeting, but on making inquiries how it had gone off, one gentleman told him that the temperance resolutions were passed with the greatest enthusiasm. Another gentleman told him that the amendments to these resolutions were agreed to; and a third gentleman informed him that such was the enthusiasm of the meeting that they passed both the resolutions and the amendments with the most unbroken unanimity. The hon. Member for Dundalk (Mr. Callan) had moved an Amendment in the way of rejection of the Bill. Well, in the town of Dundalk a public meeting was held in favour of the Bill—there was a difference of opinion, and brickbats were substituted for arguments. [Mr. FORSTER: By its opponents.] Yes; by its opponents. But the fact itself showed how the Bill would be received in Ireland by the people if it became law. Another meeting had been held at Sligo, where the proceedings were so humorous, that a most respectable and sober gentleman, who was the leading speaker, was accused by a local wit of adjourning to a public house and drinking a quart of whisky. The Petitions which had been sent to that House were mainly got up by people who would be unaffected by the measure; but the instances which he had given, and others which might be adduced in many towns and villages in Ireland, showed that the people of Ireland were not prepared for this legislation, and in no case could it be assumed that they had assented to the Bill, or demanded it from that House. If they took and placed the matter fairly before the Irish people, and they were invited to express their feeling as to the expediency of placing more severe restrictions upon drinking, he was sure that any reasonable proposals which might be considered necessary would be agreed to. No such course had been taken; no such agreement existed now, and he must advise the House to exercise a degree of caution in this instance.

MR. MACARTNEY: The hon. Member who last spoke said that certain classes in Ireland, whom he termed the wealthy and upper classes, had from interested motives promoted and were supporting this Bill; that was, they

asked for it as an adjunct and supplement to the Peace Preservation Bill. But a more unfounded accusation or a more baseless assertion he (Mr. Macartney) had never heard made.

MR. O'SHAUGHNESSY denied that he had said so. He merely intimated that in some quarters it was so regarded.

MR. MACARTNEY: The hon. Member spoke of them as not being of the people, or the leaders of the people, and therefore he must mean those who were above the people. He had even said that a large number of the clergy had not supported the Bill; but he (Mr. Macartney) would point out that it was very difficult to go to everybody with a Petition, and there were therefore many who wished well to the cause and who had not signed the Petitions. He believed that the bulk of the clergy of every denomination in Ireland were in favour of the measure. He could speak for his own county (Tyrone), that the Representatives of every town had either that year or last signed Petitions in favour of the Bill, and every Board of Guardians and almost every other public body had been favourable to it. He had very carefully examined the Petitions, and he believed them to be perfectly genuine. The publicans of the county had no objection to Sunday closing, and the feeling being so strongly in favour of it he could not see any ground for the rejection of the Bill. If such a course was pursued it would be a strong argument for Irish Members to use, that notwithstanding the great feeling which existed in favour of the Bill, an English Parliament would not pass it. He would ask the House to weigh that very carefully, and in the interest of morality and with the view of obtaining a proper observance of the Sabbath, to pass the measure. In his part of the country a great many funerals took place on Sunday, and almost every person thought it his duty to attend the interment of those he had been acquainted with. After the funeral was over, the representatives of the deceased persons felt it incumbent upon them to entertain their friends, and often the whole party went from the burial ground—from a solemn and impressive scene—to the public-house, where scenes of riot and debauchery took place. If it happened that there were two or three funeral

parties differing in religion or politics, the chances were that words were followed by an exchange of blows. He, as a magistrate, had a painful recollection of being frequently called upon on Sunday to commit people for drunkenness, and the next worst time for these offences was on Monday morning; and, he would ask, should such a state of things be continued? He would say no more upon the subject, because he thought it better that many Irish Members should rise and speak upon the Bill than that any of them should make long speeches. But he hoped the House would pause before it rejected the Petition of a large majority of the people of Ireland.

MR. O'SULLIVAN said, he did not speak against the Bill last year, nor perhaps would he have done so this year were it not for the arguments brought forward by its supporters. One of those arguments was, that the Bill was supported by a large majority of the Irish people. He denied that assertion, for a greater fallacy was never brought before that House. True it was that the Bill was supported by a large number of people in Ireland, but they were not the people who would be directly affected by this Bill, as very few of its supporters ever resorted to a public-house for their refreshments. They could well afford to have those refreshments at home. He had presented several Petitions from constituents of his in favour of the Bill. He took the trouble of looking over the names on some of those Petitions, and he found that three-fourths of them were composed of people who could afford to keep well-stocked cellars. So he need hardly tell the House it was no inconvenience to those people to close public-houses on Sunday, but what was the case with those thousands of poor workmen, day-labourers and servants, who never went near a public-house from one end of the week to the other, who worked hard throughout the week, and then went to the next town to enjoy a few pints of beer or a few glasses of grog on Sundays? Sunday was their only day for refreshment. What, were they called on to enact by that Bill? They were asked to enact what he must call a Coercive Bill against the poor working class in Ireland, which Bill they dared not enact against the workmen in this country. He did not rise to ad-

vocate any additional liberties for drunkards, as there was not a man in that House who despised the habitual drunkard more than he did, for next to the misgovernment of his country it had no greater curse than the curse of drunkenness. But it was not because a few unfortunates here and there abused those enjoyments that they must punish all by depriving them of their right to refresh themselves on Sundays after a hard week's work. If the supporters of this Bill asked to limit the hours of sale on Sundays, they would accomplish all they required, and, at the same time, give time enough to people to refresh themselves. With that view, he would suggest that they should allow public-houses to be open for the three hours from 2 till 5, a time in his opinion amply sufficient for the purpose. He must caution the Government against passing this Act, for by doing so they would create a storm in Ireland which they little anticipated, and if passed it must be enforced at the point of the bayonet. The people would justly say it was class legislation which was passed by a Conservative Government. While the rich and idle man could go to his club or his hotel for refreshments on Sundays the poor hard-worked man must go without his refreshments. There was another class of working men in large towns who went a few miles in the country for recreation and amusements on Sundays. Were they going to say they would prevent these men from having a little refreshment when they went to those places? Then there was another class which should be considered, and not bring ruin on themselves and their families, and that was a number of publicans who lived near large towns where the people went, not to get drunk, but simply to amuse themselves on Sundays and take some refreshments before they returned home. Were they going to destroy those poor people whose principal trade was on Sundays and holidays? Were they going to destroy their business for the purpose of carrying out that unconstitutional idea, for if so, he should oppose the Bill.

MR. O'REILLY DEASE said, that as his constituents were very much interested in the question, he desired to occupy the attention of the House for a short time. He had presented more Petitions on that than on any other

*Mr. Macartney*



question, and they were not signed by rich people—by magistrates and others of that class—but largely, very largely, by the labouring classes. He had practical experience of what Sunday closing could do. He wished emphatically to say that in the district he represented, one of the most painful duties the magistrates had to discharge on Mondays was to deal with the number of persons brought up before them for having been drunk on Sunday. There had been in his district a voluntary abandonment of Sunday drinking and a shutting up of public-houses, and the results had been perfectly marvellous. The place was not the same in any sense—quiet and peace and good order taking the place of brawls and tumult. He had since then met many labouring men, who had told him that they would not go back to the old style of drinking on Sundays for anything that could be offered to them, and even the publicans felt it to be an improvement. He was certain that the public opinion of Ireland of all classes was largely in favour of this measure. Catholic and Protestant, rich and poor, desired it, and he could only say that he believed that if the Government took up the measure and passed it, it would be the best Peace Preservation measure that could be given to Ireland. It was said—and he agreed with it—they could not make people sober by Act of Parliament; but let the House take care not to make them drunk by Act of Parliament. He cordially supported the second reading.

SIR MICHAEL HICKS - BEACH said, that on questions of the kind at present under notice, which were of a purely social character, it was the duty of the House and the Government to pay especial deference to the opinions of hon. Members who represented that part of the Kingdom to which the measure was proposed to be applied. But while he was anxious to afford full weight to that consideration, he, at the same time, claimed for both the House and the Government the right to exercise that individual judgment upon the facts before them without which their proceedings would be absolutely useless. His own belief was that the case could be argued without any reference whatever either to England or Scotland. That reference, however, having been made, it might be fairly

argued, in reply, that Sunday closing in Scotland had not materially lessened drunkenness in that country, and that if the consumption of liquor had decreased there, it was chiefly due to the duty on spirits having been quadrupled. Moreover, it had been shown that no fewer than 490 houses had been voluntarily closed on Sunday in Edinburgh before an Act for compulsory closing was even proposed. But what was the case in respect to Ireland? Why, a system of six days' licensing had been adopted in that country, and he was bound to say that, although they had been told that the Irish publicans were anxious for the adoption of Sunday closing, he had not found that they were ready to take out the six days' licences, which would not only have enabled them to close on Sundays, but would have saved them a part of the tax for the licence which they now paid. It was contended that the Irish people representing every creed and class were united in wishing for this great boon. Now, in reference to that point, he only wished that everyone had heard the speech of the hon. Member for Limerick (Mr. O'Shaughnessy). He had put that argument on a fair and proper basis. These were questions which were not appreciated by the mass of the people—whom, after all, they mainly concerned—until the laws relating to them were actually passed, or, perhaps, even until those laws were actually put in force. He ventured to say that there was no more idea among the working classes of Ireland that the Bill under discussion was likely to become law than there was among the working classes of England that it would come into operation here. He wished to give all due weight to the opinions expressed by the clergymen, magistrates, town councillors, guardians of the poor, and employers of labour who had signed the Memorial presented to the Prime Minister, and he recognized their sincere belief that the Bill would promote temperance among others; but very few, if any, of the memorialists would be themselves practically affected in their daily life if the Bill were passed. Why, what had been their experience? In 1854 an Act was introduced for materially restricting the hours during which public-houses in England, and especially in the metropolis, were to be open on Sunday, and it was passed with prac-

tical unanimity. But in the following year, when the people affected by it found out what had been done, such tumult and disorder arose that the Act had to be speedily repealed. Again, the Permissive Bill of the hon. Baronet the Member for Carlisle had been brought forward, he knew not how often, and supported by Petitions numerous signed, and on one occasion it obtained a second reading. [Sir WILFRID LAWSON: I beg pardon; I am very sorry to say it never did.] Well, at any rate, it very nearly achieved that success; but even the hon. Baronet, sanguine as he might be, must be one of the first to acknowledge that his project had not recently advanced in popular favour. And why was this? Because since its original introduction the people had become familiar with its scope and intent, and were determined that it should not become law. They were told that Petitions containing tens of thousands of signatures had been presented in favour of the present Bill; but in one Session Petitions having 1,000,000 of signatures attached to them were presented in favour of the very same measure for England, and yet it would now be generally admitted that in this country absolute Sunday closing would be impossible. Those facts proved that they could not take as an infallible test of public opinion in any part of the United Kingdom expressions in favour of a proposal of that kind, emanating, as they had so largely done in that case, from the middle and upper classes. Meetings had been held in Ireland, more or less numerous attended, in support of this Bill; but in some instances, and notably at Limerick, the result was an absolute riot, in which nobody knew positively what decision was come to on the question. But if a riot was caused merely by the discussion of this measure at a public meeting, what would be the effect if the people found to their surprise that this Bill had become law? The hon. and learned Member for Marylebone said the passing of the measure would remove disorder in Ireland; but his (Sir Michael Hicks-Beach's) own impression was that it would rather tend to create disorder. Last autumn he received at Dublin a deputation strongly in favour of the Bill from working men in various centres of population in Ireland;

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but on questioning them he failed to discover any evidence of their authority to speak on behalf of the class they professed to represent. Nay more, on a closer examination, he found out that they were all teetotalers, and that therefore they were the representatives of a class who were not affected by the provisions of this Bill. The main argument in its favour was that it would put a stop to drunkenness in Ireland. He would not approach the consideration of the question from the point from which it had been approached by the hon. Member for Londonderry (Mr. R. Smyth), that drinking was itself an evil.

MR. R. SMYTH said, he had not stated that, but that, on the contrary, he could not blame those who were willing to sell him intoxicating liquors when he was willing to buy them.

SIR MICHAEL HICKS-BEACH was very sorry if he had misinterpreted what had been said by the hon. Gentleman; but there could not be a doubt the Bill would be supported by many who thought even the moderate use of intoxicating liquors a great evil. For himself he could not entertain that opinion, nor could he, on the other hand, contend that there should not be any restrictions placed on the sale of spirits on Sundays. Parliament had certainly refused to endorse that principle, for it had enacted that in Ireland in towns of a certain population public-houses should not be open on Sundays, except in the interval between 2 o'clock and 9 o'clock P.M., whilst as regarded all other places, the open hours should be from 2 o'clock to 7 o'clock P.M. Upon the whole, he was of opinion that these restrictions had worked well. He certainly had received some complaints of their having given rise to the sale of intoxicating liquors in unlicensed houses, but still not to such an extent as to call for the interference of the Legislature. But it did not follow that because these restrictions on the hours of keeping open had worked well that the total closing of public-houses on Sundays would not cause a great increase in the number and gains of unlicensed houses. There were only two classes of people whom this Bill could affect. The first was the class of moderate drinkers. For his own part, he could not see any harm, but on the contrary a great deal of good, in per-

sons being able to obtain at a public-house on Sunday that which was moderate and necessary refreshment. This Bill was not necessary to restrain that class of people from drunkenness, but nevertheless it would affect them, and cause them a great deal of inconvenience. What reason was there, by passing a law of this kind, to inconvenience people who, without the restriction of any law, could control the passion for drink? The only reason that could be alleged was, that in no other way could you promote sobriety among another and a smaller class of people who were supposed to be incapable of restraining the propensity to get drunk, and to indulge this propensity to such excess that they could not pass the door of a public-house without yielding to the temptation. But could it be supposed that the total closing of public-houses on Sundays by law would prevent persons so incapable of self-restraint from getting drunk somewhere else? In respect to that argument, he might mention that one of the members of the workmen's deputation which lately waited upon him at Dublin complained that he and his family were annoyed by the noise and drunken riot which took place in houses near them on Sundays. Hearing that complaint, he asked the man at what time of the day the annoyance complained of occurred. The reply he had received was that it occurred on Sunday morning, during the very hours when the public-houses were now legally closed. He did not mean to say that, at the present moment, the drinking in unlicensed houses, or at illegal hours, was very great, but he was fortified by the evidence of the Commissioner of the Dublin Police force in saying that if they were over stringent in dealing with drinking in licensed houses, they would only stimulate the illegal traffic in unlicensed houses. Mr. O'Ferrall, Commissioner of the Metropolitan Police, Dublin, stated before a Committee of that House which sat in 1868 that the public-houses in that city were for the most part well-conducted, and that the law was sufficiently stringent; but that if those public-houses were to be superseded on Sunday by unlicensed drinking places, which there was too much reason to fear would be the case if the former were closed all Sunday, the evil of drunkenness would be aggravated instead of lessened. A superintendent of the Dublin Police

gave similar evidence. He therefore asked the House seriously to consider whether, if they passed an Act which in large towns was almost certain to be evaded, they would be strengthening the authority of the law in Ireland, or whether they would not, on the contrary, be really weakening it. However great was the improvement which had taken place in the habits and feelings of the Irish people, they were still not too well affected to the law or too anxious to obey it, and therefore they could not do a more mischievous thing than to adopt for Ireland a law that would either be met in that manner, or, if so strictly carried out as really to prevent any sale of drink on Sundays, would infallibly lead to scenes of riot and disorder. He was not speaking without reference to past legislation on this question, for Sunday closing had not been untried in Ireland. In 1807 it was enacted that there should be no sale of spirituous liquors by retail between 12 o'clock on Saturday night and 12 o'clock on Sunday night, nor of wine, beer, cider, porter, or perry on Sundays before 2 o'clock, except to travellers. In 1808 this law was altered to a Sunday Closing Act, under which offenders were subjected to a penalty of 40s. for the first offence and £5 for a second. That remained the law until 1815, in which year it was repealed; he supposed because it did not work. Houses were then allowed to be opened for drinking anything but spirituous liquors, which were to be supplied only to inmates and travellers. In 1833 a regulating Act fixed the open hours from 2 o'clock in the afternoon to 11 o'clock at night, and that remained law until 1872. As already stated, in 1868 the hon. and gallant Member for Longford brought in a Bill for the total closing of public-houses on Sundays, except so far as drink might be supplied with food by eating-house keepers. That Bill was referred to a Select Committee, which sat two months and examined 22 witnesses. From that Committee the Bill emerged as one for opening public-houses in towns from 2 o'clock to 9, and in the country from 2 o'clock to 7—precisely the hours which were established in 1872 by the late Parliament. By the Act of last year the House had imposed further restrictions upon the mode in which licences were issued, and it had passed other provisions designed to check drunkenness.

Notwithstanding, it was said that drunkenness had increased in Ireland. For one, he believed that the recent changes had not been in operation sufficiently long to have had a fair trial, and that the apparent increase of drunkenness was not a little due to the greater vigilance of the police. If, however, the increase was not apparent, but real, the evil would be best met, not by passing laws which would occasion inconvenience to a large number of persons who were not drunkards, but by the magistrates using properly and with discretion the power of punishing drunkards which the law had invested them with, and, further, by such improvements in the discipline of Irish prisons as would insure that the punishment of the drunkard in gaol should be more real than it was at present. He admitted that voluntary Sunday closing had succeeded in the Roman Catholic dioceses of Ferns, Cashel, and Kilmore, thanks to the excellent and salutary influence of the Prelates of those dioceses; but could it be argued that that which succeeded as a voluntary movement must necessarily succeed when compulsorily imposed upon the inhabitants of other dioceses, where its voluntary adoption was admitted to be impossible? Sunday closing had been in operation in one diocese for 15 years and in another for 12; and he wanted to know why this voluntary movement had not been extended to all the other dioceses of Ireland? The reason was that those dioceses which he had named consisted almost entirely of country districts, and the real difficulties of this question arose when you began to deal with the large towns. If total closing on Sundays were extended compulsorily to large towns, one of two evils would arise—either the law would be evaded by unlicensed houses, and consequently drinking would be carried on in a far worse manner than now, because without any legal power of supervision; or, if it were carried out strictly, it would lead to scenes of tumult and disorder which he had rather not contemplate. Those who were in favour of the Bill would be better advised if they would approach the subject tentatively, as it was approached in 1868. If they were to ask that restriction, because it had been successful, should be carried a little further, and that the present hours should be further curtailed, their proposition would deserve the careful attention of

the House and of the Government. And if, after due inquiry, such further restrictions should be adopted and should prove successful, it might then be time to consider whether public-houses could be entirely closed on Sunday in the country districts. But as the Bill now before the House proposed immediate and universal Sunday closing, which could not be safely or properly carried into effect, the Government must give it their opposition.

MR. GLADSTONE: Sir, I shall detain the House but a few moments on this question. I think we must all feel that, though there is much to be said against stringent measures of prohibition in regard to the use of strong liquors, there is much to be said in their favour. We have not heard on this occasion—and I am glad of the omission—so much reference as is usual to the unlimited liberty which is enjoyed by the upper classes in respect to the use of spirituous liquors on the Sunday, even although purchased by them in their clubs. On that subject I think it is only necessary to say it would be a very great mistake, whatever difficulties may surround the question of clubs, on their account to withhold from the public the benefits of any measure which appeared on other grounds to be beneficial. For my own part, I do not hesitate to say if, so far as regards spirituous liquors, the difficulty of an invidious distinction between classes was felt to be of a very serious nature, I would rather endeavour even to apply restriction, with some deviation from the usual rules, in the case of the upper classes—the argument being supposed to be general and complete—than I would withhold the advantages of it from the masses of the people. I will not, however, enter into general considerations of the expediency of restrictions, nor speak of the enormous public mischiefs of drunkenness, because I think the scale is turned in the particular case before us, not by the special view I may happen to entertain myself of the balance as between those evils and those advantages generally, but by circumstances peculiar to the case of Ireland. I admit it is rather a serious matter and a responsible act to vote for the second reading of a Bill of this kind, in the face of the objections to it stated by the right hon. Gentleman as the organ of the Government. At the same time, that does not exempt me from the duty of

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examining, at any rate slightly and briefly, the nature of the objections taken by the right hon. Gentleman. He made a most important admission towards the close of his speech, an admission which appeared to me to cut away from under his feet the whole ground he had laid in justification of the course he intends to pursue. He said that if this were a Bill which dealt only with the country districts and did not embrace the case of the large towns it would, in his judgment, be a Bill that might be properly entertained; but because it embraces the large towns, he proposes to resist the second reading of the Bill. That would be a very intelligible ground, to my mind at least, if Ireland were a country consisting principally of large towns; but how many are there, and what fraction of the whole population do their inhabitants form? It is a country in which nine-tenths and perhaps even four-fifths of the people live outside the large towns. Surely then if the right hon. Gentleman admits that the scope of the Bill is reasonable so far as four-fifths of the people are concerned, the consistent course for him to take would be to support the second reading of the Bill, and when in Committee fairly raise the question of the large towns. In that case all he could say with his usual ability and the weight of the office he fills would be attentively weighed and considered by the House. If logic governed our proceedings we should be entitled, notwithstanding the speech of the right hon. Gentleman, and his objection, which we cannot hope to overcome, to claim his vote for the second reading, in consequence of the admission he made as to the suitability of the Bill for the majority of the population. Much has been said as to the probability of disorder in the event of this measure being passed; but I must confess I cannot attach much weight to that consideration, and here I stand mainly upon the negative evidence of the speech of the right hon. Gentleman. Armed as the Government is in Ireland, even much more effectually than in England, with the means of collecting the judgment of experienced and responsible officers all over the country through a force controlled strictly by the Executive Government—I mean the Constabulary—I feel perfectly convinced if there had been, in the opinions of those best informed, reason to apprehend general or frequent outbreaks of disorder in

Ireland in consequence of the carrying of a Bill like this, the right hon. Gentleman would have been able to come down with such an array of testimony to that effect as would have gone far to silence the arguments of the supporters of the Bill. But only a solitary opinion to that effect was quoted by him and I must say that I attach the greatest consequence to this negative evidence afforded by the speech of the right hon. Gentleman. Then the right hon. Gentleman said there might be an apprehension of substituting a system of unlicensed for licensed drinking; but then again there are many who would have been able to give as confident an opinion as the right hon. Gentleman, and to have supported their opinion by powerful evidence, if there were any real and extensive apprehensions upon that subject. It appeared to me that, in alluding to this contingency, which is that of a serious evil, he spoke with proper and becoming reserve, and carefully guarded himself against giving to the House an opinion as to the results of the Bill with that confidence which he would have been justified in assuming if those connected with the collection of the Revenue and the suppression of distillation had been really of opinion that the effect of this Bill would be to cause the substitution of unlicensed for licensed drinking. Without doubt the special feature of the case is the state of opinion in Ireland at the present moment, and I must confess I do attach to that state of opinion the very greatest consequence. We are not now considering an application to place Ireland under laws and in a condition without example in the United Kingdom. A law substantially in conformity with this Bill has been in operation in Scotland for 20 years; and I would observe that the only question with respect to this law, is not whether it has done evil, but whether the amount of good it has done is great or small. That, I think is a fair statement of the case with regard to the Forbes Mackenzie Act in Scotland. Is not this one of the questions on which the people of the Three Kingdoms are in equity fairly entitled to have an opinion for themselves? I have had credit and discredit—to neither of which I am entitled—for having, as was supposed, in this house, delivered myself of the sentiment that Ireland ought to be governed by Irish ideas. I never gave utterance to such a sentiment

without appending to it a vital qualification which has been forgotten both by foes and friends. I said that Ireland might be properly and justly governed by Irish ideas on those matters as to which Imperial interests did not call for uniform legislation. It is a fair question to put whether the particular question before us falls into the class of those subjects with respect to which the local opinion, so to call it, of one of the Three Kingdoms is fairly entitled to prevail. Upon that I say that Parliament has already given a judgment in the case of Scotland. There is not a disposition on the part of Parliament to carry into effect a general system for the whole of the United Kingdom, but a special measure has been passed in the case of Scotland. There was a conviction that on the whole Sunday, closing was demanded by the opinion of Scotland, and that we might fairly take the judgment of Scotland for a fair and sufficient indication of the adaptation of a measure to the wants of Scotland. If in that case we yielded to the judgment of Scotland, much more, in the present case, has the judgment of Ireland been clearly expressed. I confess that I must take the liberty of criticizing the speech of the right hon. Gentleman upon this subject. He quoted the opinion of a man of station and education who was unfavourable to this Bill, and anticipated if it were passed the possibility of disorder. The right hon. Gentleman attached weight to that opinion because of the position of the person who gave it. [Sir MICHAEL HICKS-BEACH: He was an officer in the Constabulary.] If the right hon. Gentleman had produced a great many more of them, if he had produced something like a real array of commanding opinion, it would have been of the greatest weight in the discussion. I now ask him in consistency, to remember that this opinion, to which he attaches so much importance, was given by a gentleman as much removed from the condition of the ordinary people, as in his view were those who signed the Petitions or the Memorial to the Prime Minister, and that the superiority of position which he treats as a qualification on his own side, he treats as a disqualification on the other side. Am I to be told of 864 Roman Catholic priests who, though not elected officers, are yet persons dependent upon

the voluntary support of their congregations, that their judgment forms no indication of the state of opinion in Ireland amongst the lower classes? Assume, if you like, what I am far from conceding, that the opinions of Presbyterian ministers, whose position is essentially that of persons who reflect the popular sentiment, and those of the Episcopal clergy are all to be set aside on the ground of professional prejudice, still what can the right hon. Gentleman and the opponents of the Bill say to the facts that no fewer than 1,991 Poor Law guardians and 596 town councillors are in favour of the principles of the Bill?—the latter being members of municipal bodies representing towns in which the right hon. Gentleman anticipates that disorder, on account of which he is, unfortunately, but inconsistently, going to withhold his assent from the second reading of the Bill. But, indeed, I think that anyone who casts his eye over some pages of the Petitions in favour of the Bill will see that they are in an eminent sense representative of all classes of the community. And if we look to their mere number, while it is true that an unusual number of persons of influence and station have declared their judgment, amounting apparently to 7,681, in their Memorial to the Prime Minister, yet turning to the Petitions I find that no less than 81,000 persons have expressed themselves in that form in favour of the Bill which is before the House. If, however, we really want to know the public sentiment of the country, I must say that I am still more disposed to rely upon the extraordinary testimony which has been yielded for a considerable series of years in the voluntary closing of public-houses in three of the Roman Catholic dioceses. Why, that is one of the most remarkable phenomena to be witnessed either on the face of the United Kingdom, or on the face of the earth. When we consider the strength of the temptations to indulge in drink and to maintain the trade, and find that by a singular combination of conscientious motive on the one hand and of authority resting upon a voluntary basis on the other, this uniform closing of public-houses has been produced in three of the dioceses in Ireland, it is certainly a moral phenomenon most remarkable in itself, and most honourable to the country in which it exists. It is likewise such an

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indication of the state of Irish opinion as ought really, I think, to put an end to all further discussion upon the question whether the opinion of Ireland is or is not in favour of this Bill. I may also observe that there is another class of cases which ought to be mentioned, where the main argument against the Bill is the apprehension of disorder. I allude to the magistrates of Ireland. If there were persons more than others on their guard against measures which had the slightest tendency to cause disorder, would they not be the magistrates of the country? Yet these magistrates have come forward as signatories to the Memorial to the Prime Minister to the astonishing number of 1,413. Under these circumstances—while endeavouring to keep my promise to the House—I must with very considerable confidence venture to submit to the Government, whether or not it be right in deference to them to consider any question of excepting towns, on which it is totally unnecessary now to express an opinion, our present course, is clear. We have the authority of the precedent of Scotland, and in my opinion it is not less impolitic than it is unjust to interfere by a great phalanx of English votes to prevent a concession to the wishes of Ireland in a matter in which that country is entitled to expect that its wishes shall have effect given to them, and upon which its opinion and judgment have been expressed in a manner which is altogether beyond doubt.

MR. CHARLES LEWIS said, that as the opinions of the working classes on the Bill in most of the large towns in Ireland had been referred to in the course of the debate, he would detain the House but to inform them that in his constituency (Londonderry) the opinion of the working classes was greatly in favour of the measure. There were, no doubt, many conflicting opinions held upon it, and he himself had received several letters and circulars from different associations of publicans and licensed victuallers in Ireland earnestly entreating him not to support the Bill on grounds which appeared to them to be conclusive, but which appeared to him to be illusory. In the constituency which he had the honour to represent, there were 28,000 inhabitants, and 270 licensed houses. There was a nucleus for opposition among the public, if op-

position could be excited. It was a positive fact, however, that he had had no voice whatever from his constituency against the Bill. On the contrary, he had the honour of presenting a Petition in favour of the measure from his constituency the other day, signed by 1,500 inhabitants of that constituency, and that Petition could not have been got up, except by a most thorough house-to-house canvass, so that the fact of its being in course of signature must have been thoroughly well known in the city, and if there had been any public opinion on the other side, it would surely have been evoked. The lateness of the hour induced him to forbear saying many things which he desired to say. He, however, desired to make an appeal to those who sat on his side of the House. He was one of the 20 Ulster Members who were sent to Parliament generally to support the Government. On the last occasion when that Bill was before the House, 18 of those Ulster Members voted in favour of it. Two hon. Gentlemen were absent, and he very much mistook the opinion of those two hon. Gentlemen, if they would not have voted in favour of it if they had been present. Those 20 Ulster Members represented a great portion of the Conservative element in the Irish constituencies, and he appealed to those who sat on the same side not to overwhelm by their votes the Members who represented Irish constituencies. He appealed to them not to send them back unable to reply to the arguments of Home Rulers, who would then be able to point out that, on a social question upon which Irishmen were substantially agreed, they were overwhelmed by English votes. He was not disposed to believe the slander hurled against hon. Members who sat on that side of the House, that the Conservative Party was placed in power solely by the English publicans; but if they wanted to give force to that opinion—if they desired to turn a political fiction into a plausible fact, they would, upon that occasion, troop out into the Lobby for the purpose of imposing upon the Irish Members those exceptions from which they desired to be free, and at the same time do violence to the great mass of intelligent and respectable public opinion in Ireland—to the Roman Catholic, the Presbyterian, and the Episcopal opinions represented by hon. Gentlemen on both sides of the House.



MR. MURPHY, who spoke amid considerable interruption, begged leave to assure the House that he stood there in a particular position. A Committee was appointed in 1868, of which he was a Member, and he would therefore ask hon. Gentlemen, more especially those who were not in the House at that time, to allow him to say a few words. No one was more anxious to put down intemperance than he was, and that, he believed, was the opinion of all right-thinking men, magistrates and others. [*Cries of "Divide, divide!"*] He believed that, as a Member of the Committee, he was entitled to a fair hearing, and should not be interrupted. There was no point during the debate on which so much stress had been laid as that those affected by the Bill made no objection to it. But that was not so. They had examined before them Inspectors of police, Government officials of various classes, and resident magistrates of counties, who all agreed that, while it was desirous and right to put down intemperance, the mode proposed was the very worst that could be adopted. But apart from those authorities, he would adduce the evidence of the secretary of the United Trades' Association of Dublin, who might be taken as a fair representative of the working classes. That witness affirmed that there was a very strong feeling among the tradesmen of Dublin against the Bill. They believed it would not promote sobriety, but, on the contrary, introduce private drinking and be productive of great social evil. It had been said that beer was scarcely drunk in Ireland. He did not know what evidence had been given for that assertion, and he most emphatically contradicted the statement. In his own City of Cork the consumption of ale and porter had increased to a very great extent of late years. He denied that whisky was the drink *par excellence* of the working classes in Ireland; whisky was more consumed by persons of sedentary habits belonging to a different class of society. [*Cries of "Divide, divide!"*] Well, if hon. Gentlemen below the Gangway thought they should put him down he could only say they were very much mistaken, and if he received any further interruption he would continue speaking until 10 minutes before 6 o'clock. He opposed the Bill: first, because it would not carry out the object proposed; secondly, because it upset the settlement which had been

come to in 1872; thirdly, because it was not asked for by those on whose behalf it was proposed to legislate; and, fourthly, because it would do what that House had never done before—namely, confiscate property without giving any compensation whatever.

MR. R. SMYTH said, he was quite satisfied with the discussion which had taken place on the Bill, and as to the suggestion thrown out by the right hon. Gentleman the Chief Secretary for Ireland, it was not for him, but the Government, to carry it into effect. When that occurred, he had no doubt it would be found that a very substantial benefit had been conferred upon the people of Ireland. With respect to what had been said by the hon. Member for Limerick (Mr. O'Shaughnessy) about the meeting held in Sligo, and the story he related of the gentleman who took an active part in a temperance meeting held there having that same day finished a bottle of whisky in a railway carriage, he had the best authority for giving it the most direct contradiction. There was not a word of truth in that statement, and there was at that moment a lawsuit pending, which, he had no doubt, would clear up the matter.

SIR JOHN KENNAWAY said, he would ask, was it desirable that they should have Sunday closing altogether? The working classes received their wages on Saturday, and it was in his opinion desirable, such were the temptations, that they should have one day's rest; for the charges made at the police courts on Monday morning showed how the Sunday had been passed by many of them. In supporting the Bill, as he was prepared to do so by his vote, he begged it to be understood, should a Bill for England be brought in that Session, that he must hold himself free to take what course he thought proper. It had been shown that this was a perfectly practical measure, and the circumstances connected with it were very similar to those of Scotland. This was a case in which they could not go ahead of public opinion, as an hon. Member asserted. As he understood, Sunday closing was practically observed in Ireland some years ago. [*Cries of "Divide!"*] Of course, it was, in this matter, in the power of the Government to advance the object which the supporters of the Bill had in view; and they had already proposed to make large



concessions, and impose further restrictions in the country towns. He knew not whether, even if they came to a division, the Bill would make much progress this year; but he hoped that next year the concessions made would prove important and beneficial.

MR. WHEELHOUSE, who also spoke amid considerable interruption, said, the question was, whether rightly or wrongly, stated to be an Irish question alone. If he thought it was so, he would not venture upon it; but he apprehended it to be no such thing, and he wished it to be distinctly understood that it was in the power of every Irishman to govern himself in a matter of this kind. Why was it said that the House of Commons should legislate in a matter of this kind, in which men could, if they chose, abstain without any restrictive legislation whatever? Why should a person go into a public-house at all when, if he thought it desirable, he could keep out of it? The House had been told that numerous Bishops and clergymen had signed the Petitions; but what he wanted, if he could, to get at, was the feelings of the class whom this Bill would affect. It was of no use to tell him that large numbers signed the Petitions in favour of the Bill. Let him see who were the parties who signed them. He knew how those Petitions were got up. They were got up in certain offices. He knew how the thing was done. ["Oh, oh!"] He was sorry to say he had reason to be too well acquainted with the system to place any reliance upon such Petitions. They were told that there were men who could not moderate their appetites; but why could they not do so? Gentlemen on the Opposition side of the House had a great deal to say about the rights and liberties of the people when certain questions arose that suited them; but when a matter of this kind came before the House, they forgot their advocacy in favour of the liberty of the people. If it was right that the liberty of the people should be pronounced in one matter, why should it not be in another—such, for instance, as the question now before the House? He maintained that class statutes were not the kind of legislation that the people of Ireland wanted. The legislation now proposed was liberty for one and restriction for another. That was as clear as the sun

at noonday. It was no argument to say that a number of Bishops and other clergymen had signed the Memorial. He, for one, did not feel moved by such an argument. Some time ago there was in *Punch*, he believed, a corner picture of a wealthy gentleman—one of those who approved of this movement—and sitting one Sunday afternoon at his ease in his conservatory, he called to his servant to bring him some soda-water and brandy; and, as he consumed it, he exclaimed—"I do not know what the artizans and labouring people want that they have not got." There were, the while, at the opposite corner, a man standing at the door of a public-house with a small jug, and a little girl with a pitcher, waiting for that which they wanted, their Sunday beer. Just see the difference. But the man in the conservatory would exclaim—"I wonder what the working classes want that they have not got." He (Mr. Wheelhouse) would tell the House what the working classes wanted—they wanted to be left alone. They wanted to have the liberty which every man in his situation was entitled to have. That was the question, and he cared not for what might be said to the contrary.

MR. SPEAKER interposed, stating that, according to the Standing Orders of the House, this debate stands adjourned till to-morrow.

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

#### PARLIAMENT—PUBLIC BUSINESS— THE BUDGET RESOLUTIONS.

##### QUESTION.

MR. LOWE inquired what the intentions of the Government were with regard to the Budget Resolutions?

MR. W. H. SMITH, in reply, said, that the Budget Resolutions could not be taken to-morrow; but that as soon as the Government saw their way through the Peace Preservation Bill, they would make a statement on the subject.

#### RAILWAY COMPANIES BILL.

On Motion of Mr. CAVENDISH BENTINCK, Bill to make perpetual section four of "The Railway Companies Act, 1867," and section four of "The Railway Companies (Scotland) Act, 1867," ordered to be brought in by Mr. CAVENDISH BENTINCK and Sir CHARLES ADDERLEY.

Bill presented, and read the first time. [Bill 152.]

House adjourned at ten minutes before Six o'clock.

## HOUSE OF COMMONS,

Thursday, 6th May, 1875.

MINUTES.] — PUBLIC BILLS—*Ordered—First Reading*—Security of the Person [155].  
*First Reading*—County Courts \* [156].  
*Second Reading*—Metalliferous Mines \* [120].  
*Committee* — Sale of Food and Drugs (*re-comm.*) [168]—R.P.  
*Committee* — *Report*—Peace Preservation (Ireland) [77-154].  
*Report*—Metropolis Local Management Acts Amendment \* [38-153].

ADULTERATION OF FOOD ACT, 1872—  
COSTS OF PROSECUTIONS.

## QUESTION.

MR. GRANTHAM (for Mr. MEREWETHER) asked the President of the Local Government Board, Whether his attention has been called to the case of a grocer at Daventry, convicted for selling coffee adulterated with acorns to the extent of 50 per cent., upon the certificate of the analyst of an adjoining county; and whether, after notice of appeal given, the magistrates have received an admission from the analyst that there was no adulteration whatever; also to a similar case at Thrapston, in which the police withdrew from the prosecution, it being proved that, notwithstanding a certificate of the same analyst to the same effect, there was no percentage of adulteration at all; and, whether the costs of appeal in the first case, and £20 8s. the amount ordered to be paid to the defendant as costs in the second case, must be defrayed out of the county rate?

MR. SCLATER-BOOTH: Sir, my attention has been called both to the Daventry and Thrapston case, and the facts are as stated in the Question of my hon. and learned Friend. In both cases the costs will fall on the county rate, assuming always that the officer conducting the prosecution was the proper officer for that purpose. In case of the appeal to the quarter sessions, however, it will be within the discretion of the Court to award costs or otherwise as they may think proper.

## ARMY MEDICAL SERVICE.

## QUESTION.

MR. GIBSON asked the Secretary of State for War, Whether it is the fact

that Officers of the Army Medical Service, when first attached to a regiment, although not permitted to wear its uniform or to describe themselves as belonging to it, are compelled to pay fifty days' pay as contribution to its mess and band funds; and, whether it is his intention to take any steps to remedy such a state of facts, if they exist?

MR. GATHORNE HARDY, in reply, said, that medical officers, when attached to regiments for five years, became, in fact, *bond fide* officers of the regiment, and paid just as the other officers did. They paid the following contributions in monthly instalments extending over a period of 10 months—not exceeding 30 days' pay (the sum being fixed by the commanding officer) for the mess, and for the band 20 days' pay. He might remark that under the present system the five years of service was not confined to medical officers, but extended to officers of all ranks. He did not think the fact of the Army medical officers having to contribute to these funds was a hardship, calling for interference by the War Office.

ELEMENTARY EDUCATION ACT—THE  
LONDON SCHOOL BOARD—CASE OF  
MRS. MARKS.—QUESTION.

LORD ESLINGTON asked the Vice President of the Committee of Council on Education, Whether his attention has been called to a reported tyrannical exercise of authority in the case of a Mrs. Marks, by an officer of the London School Board, in an attempt to compel the attendance at school of her eldest girl, aged eleven years, having charge of two infant children; and, whether the case, as reported, is true; and, if true, whether he can inform Parliament that steps have been taken by the Board to prevent the recurrence of similar acts of tyranny?

VISCOUNT SANDON: Sir, the Education Department has no authority to interfere with the discretion of the school boards respecting the manner in which they exercise the powers conferred upon them by the Act of 1870, of compelling the attendance of children at school, when once the bye-laws have been sanctioned by the Committee of the Privy Council. Sir Charles Reed, the Chairman of the London School Board, has, however, been so good as to forward to

me a letter from one of the members of the Board in whose division the case occurred, showing that the matter was immediately investigated, and explaining the circumstances. As far as my present information goes, drawn from this source and from the letters which have appeared in *The Times*, I cannot see that there was any tyrannical exercise of authority on the part of the officer respecting Mrs. Marks, who was, at the time, in receipt of out-door relief. I would remind my noble Friend that, by the bye-laws of the School Board, all children beneficially and necessarily at work above 10 and under 13 years of age are obliged to attend school for 10 hours a-week, and not more; and that by the Act of 1873, passed by the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster), the guardians are bound to make it a condition of continuous relief out of the House, that all children between five and 13 years of age attend school, unless they have passed a certain Standard, granting such additional relief—if any—as may be necessary for that purpose. In this case both bye-laws and Act were broken; and to show the extreme difficulty of making exceptions as to their enforcement, I may mention that a woman living near Mrs. Marks complained to the visitor of her children being compelled to go to school while some of Mrs. Marks's children were let off. The provision for the very serious money difficulties of these cases, beyond the school fees, rests with the guardians; but the School Board and their officers are bound to see that the law is obeyed. I have always expressed my opinion that great delicacy and consideration are needed in working the bye-laws for compelling attendance at school—and when you deal with the very poor, the class for whom the Education Act was specially needed, whose heroic efforts in many cases to keep themselves from pauperism no one who knows them can praise too highly, it is impossible not to be grieved to think of the distress and privation which, for the time, they must undergo under the Education Act, however confident we may feel that in the end it will be for their own and their children's benefit and for the advantage of the community. I am glad to have this opportunity of saying that I have no hesitation in affirming that, as far as I can ascertain,

these compulsory powers have, as a rule, been used by the London and the other school boards with remarkable judgment, care, and discretion. Unless, therefore, Parliament wishes to reverse its legislation respecting compulsory attendance, I venture to express an earnest hope that hon. Members in Parliament, and also magistrates on the Bench, will support the school boards and boards of guardians in the exercise of this most irksome, most difficult, and most laborious part of the duties which the Legislature has committed to their charge—namely, that of compelling the attendance at school of the unwilling children of unwilling parents.

LORD ESLINGTON said, he would, at the earliest opportunity, call the attention of the House to the case, because he believed it to be a specimen case.

#### INDIA—THE FACTORY SYSTEM.

##### QUESTION.

MR. ANDERSON asked the Under Secretary of State for India, If he will inform the House what steps the Indian Government has taken for inquiry or for legislation regarding factories in India?

LORD GEORGE HAMILTON: Sir, we received a short time back a despatch from the Bombay Government, informing us that they had appointed a Commission, composed of Europeans and Natives, to inquire into and report upon the factory system in force in that Presidency.

#### AGRICULTURAL CHILDREN ACT.

##### QUESTION.

MR. KAY-SHUTTLEWORTH asked the Vice President of the Committee of Council on Education, Whether he has considered the letter of "An Eastern Counties Farmer," in "The Times" of April 30, in which he complains that no steps are taken to enforce the provisions of the Agricultural Children Act, and states that, wishing to obey the Law, he refuses to employ those of his labourers' children whose employment would be contrary to the Act; but that his neighbours, finding that "there is nobody to see the Law carried out," do employ their labourers' young children, and that his own labourers declare that they will leave his service "to work for some

farmer who will break the Law and employ their children;" and, further, that his best men have already left him for this cause, and that he will be compelled to yield; and, whether, considering the inequality with which it appears that the Act presses upon those who obey and those who systematically ignore it, he will take the necessary measures to secure obedience to the Law?

VISCOUNT SANDON: Sir, I have read the letter of "An Eastern Counties Farmer" in *The Times* on the subject of the Agricultural Children Act, and I consider that such statements from practical men of the working of the present law are very useful, and will assist us to arrive at a satisfactory mode of treatment of this grave matter. From various quarters we are receiving unofficially more and more information, and I gather that, while in some parts of the country the Act is at present practically inoperative, in others it has been really effective, and my hon. Friend the Member for Leicestershire (Mr. Pell) has recently assured me that in his county, where the magistrates in quarter session determined to enforce the Act by means of the police, the law may be considered to be almost universally obeyed. I must remind my hon. Friend that the weak point of the Act—the absence of an enforcing authority—was patent to everyone in the House when this Bill was passed; but owing, I imagine, to the difficulty of fixing upon a satisfactory authority, the House, and the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster), who was then responsible for the conduct of all educational legislation, determined that the experiment should be made without an enforcing authority. The Act has only been fully in operation for about four months, and it is the decided opinion of Her Majesty's Government that a wise solution of this difficult question is much more likely to be obtained after a year's experience of the working of the new law than by hasty and premature amendment of it. To enable the Government to form an opinion of the various ways in which the Act has been worked in every part of the country and of how it has operated, our information being at present very partial, full Reports will be received from Her Majesty's Inspectors of Schools at the end of the year, and my right hon. Friend the

Secretary of State for the Home Department has requested the opinion of magistrates in quarter sessions upon it. I shall avail myself of every other source of information which is available respecting this important subject.

#### IMPORTATION OF CATTLE—ILL-TREATMENT IN TRANSIT.

##### QUESTION.

SIR GEORGE JENKINSON asked the Vice President of the Council, Whether his attention has been called to the second letter in "The Times" of Monday the 3rd inst., and signed by Captain Sloane Stanley, repeating and adding to his former statements respecting the brutal ill-treatment of cattle on board a vessel from Antwerp to Deptford, and especially on their being landed at Deptford; and, whether the Government will make further inquiries on this subject, and lay upon the Table of this House a Copy of any Report they may receive from their Inspectors, as to the conflicting statements made on this matter?

VISCOUNT SANDON: Sir, our attention has been called to both the letters of Captain Sloane Stanley to *The Times*, on the supposed ill-treatment of cattle on board a vessel from Antwerp to Deptford. As soon as the first letter appeared full inquiries were directed to be made into the circumstances by one of the Inspectors of the Veterinary Department of the Privy Council, and a letter was also addressed by the Lord President's orders to the Secretary of the Society for the Prevention of Cruelty to Animals, asking for any information he might possess respecting the case. As much interest is felt in this matter, I propose to lay upon the Table of the House immediately the Report of the Inspector upon this matter, together with the letter from Mr. Colam, the able Secretary of the Society for the Prevention of Cruelty to Animals, and I think the House will then see that all the inquiries have been made which are possible in this case. I need hardly assure my hon. Friend that the Lord President and myself are most anxious to do all in our power to prevent all unnecessary suffering to animals, a matter respecting which the public mind is happily very susceptible.

*Mr. Kay-Shuttleworth*



RIVERS POLLUTION COMMISSIONERS.  
QUESTION.

MR. LYON PLAYFAIR asked the President of the Local Government Board, Whether his predecessor in 1872 received replies from some eminent chemists, including Baron Liebig, Mons. Dumas, Dr. Hoffmann, Sir Benjamin Brodie, Dr. Williamson, Dr. Odling, and others, to the following (abbreviated) Questions put by the Rivers Pollution Commissioners, viz.:—1. Is it desirable in the interest both of manufacturers and the public that a definition of standards of polluting liquids should be fixed by Parliament; 2. Are the standards recommended by the Commissioners fair and reasonable; and, whether he has any objection to lay their letters before Parliament previous to this House being asked to consider the Rivers Pollution Bill?

MR. SCLATER-BOOTH, in reply, said, that the replies referred to in the right hon. Gentleman's Question had been addressed to his Predecessor in office, and the most important of them—namely, those of Baron von Liebig and M. Dumas—would be found in the fourth part of the Fourth Report of the Rivers Pollution Commissioners. With regard to the Reports in continuation laid on the Table of the House, but not yet distributed, he had to state that the last revise would be in the hands of the printers within a few days, and he hoped they would soon afterwards be in the hands of hon. Members.

NAVY—H.M. YACHT "OSBORNE."  
QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, Whether, when Her Majesty's ship "Osborne," the yacht of His Royal Highness the Prince of Wales, was docked at Portsmouth on Monday last, it was discovered that a number of the sheets of copper had disappeared from her bottom; whether those sheets of copper had been nailed on with nails of a new description called "phosphor bronze," not quite six months ago; whether any others, and, if so, which others, of Her Majesty's ships have been similarly coppered, who invented this "phosphor bronze," and whether any gratuity has been awarded to the inventor; and, if so, what

amount of gratuity; and, whether any steps will be promptly taken to place officers in command of any of Her Majesty's ships in which these "phosphor bronze" nails had been used on their guard against the danger to which their ships would be exposed through defects caused by the use of those nails?

MR. HUNT, in reply, said, that when Her Majesty's yacht *Osborne* was docked it was found that there were several sheets of copper off her. The copper had been fastened with a new description of nail recommended by a Committee of Admiralty officers as an experiment designed to check the occasional rapid local corrosion of the sheets of copper. The material was not "phosphor bronze." There had been no payment made on account of it as a gratuity to inventors. Several vessels had been wholly or partially sheathed with this description of nail when the failure of the nails became apparent, and orders were given in September last that all such vessels should be docked at the earliest opportunity, and that the sheathing should be re-nailed.

THE TICHBORNE TRIAL—CONTEMPT  
OF COURT—QUESTION.

MR. WHALLEY asked the Secretary of State for the Home Department, with reference to the numerous Petitions praying for inquiry as to the administration of the law as to Contempt of Court in the proceedings of the Tichborne Trial, Whether it is his intention to institute any inquiry relating thereto, or to take any steps for the protection of the public against new and arbitrary penalties under the name of Contempt of Court?

MR. ASSHETON CROSS, in reply, said, it was not the intention of the Government to take any steps in reference to the subject referred to.

MR. WHALLEY gave Notice that he would call attention to the subject on going into Committee of Supply.

PARLIAMENT—ARRANGEMENT OF  
PUBLIC BUSINESS.

THE ADJOURNED DEBATE ON PUBLICATION OF DEBATES AND EXCLUSION OF STRANGERS.—QUESTIONS.

THE MARQUESS OF HARTINGTON: I believe it will be for the convenience

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of the House, If the Prime Minister is able to state whether he can make arrangements for the resumption of the debate on the Publication of the Debates and the Exclusion of Strangers earlier than the time now fixed? I would also take this opportunity of asking the right hon. Gentleman, When it is his intention to take the debate upon the Budget Resolutions?

MR. DISRAELI: I very much regret, Sir, that the debate should have terminated so unexpectedly and unsatisfactorily on Tuesday night, and that no conclusion was arrived at on the subject of the Resolutions which were then before the House. There certainly was an understanding—at least, on this side of the House, and I think a general understanding—that until the debate was concluded and the opinion of the House on the points in reference to Privilege which it involved had been taken, no hon. Member would avail himself of his individual privilege of “espying strangers.” I beg to state most distinctly that I charge the hon. Member for Louth (Mr. Sullivan) with no *mala fide* in the matter. From what I have seen of that hon. Gentleman and of his conduct in this House, I am quite sure he is totally incapable of taking such a step. But the hon. Member, who is of a disposition somewhat impetuous and excitable, arrived at a conclusion which, with a little more Parliamentary experience, he would find was not warranted. Now, Sir, the Motion of the noble Lord consisted of a series of Resolutions, and the opinion of the House was asked upon the first. Those who were interested in the matter might have spoken generally upon those Resolutions; but it is quite impossible that, after so short a debate and no vote having been taken upon the first Resolution, the subject could be considered as exhausted, or the opinion of the House expressed upon a matter which is, probably, more complicated than some hon. Gentlemen seem to imagine. I remember when I was first asked to conduct the Business of the House nearly a quarter of a century ago, I declined on the ground that I had never been in an official position, and, therefore, did not feel myself equal to the discharge of its duties. I afterwards consulted the late Lord Lyndhurst upon the matter, and he told me that, although it

was a fact that, with the exception of my own case, there was only one in the history of the country in which an offer of the Leadership of the House had been made to a Member who had had no previous official experience whatever, he still advised me to accept the office. “But,” he said, “there is one thing I would impress upon you. Do not let anything induce you to define in writing the unwritten law of Parliament. If you refrain from doing that,” he said, “you will keep out of many difficulties; but if you once attempt it you will, as manager of the House, find yourself in inextricable confusion.” I confess that the opinion of such a man—perhaps one of the most sagacious of this century—had great influence with me; and although I am not myself unprepared, under certain circumstance, to refuse to yield to it, I am still of opinion that it requires on the part of the House the utmost caution before they can arrive at any satisfactory solution of a subject so difficult as that to which I have referred, although some hon. Gentlemen think it so easy to do so, and for this reason—that in dealing with one part of the unwritten law of Parliament you are making precedents for dealing with other parts which are absolutely necessary for the defence of the rights of the minority and of the liberties of England. I should, therefore, have been glad if the debate had come to a conclusion on Tuesday night. I think we might have arrived at some solution, if only of a temporary character, which would have allowed the House gravely and completely to consider the question. I am not going to conclude with a Motion, because I believe that, under such circumstances as the present, it is not unusual for the House to extend its indulgence to one in my position when speaking of the conduct of Public Business and of circumstances connected with that Public Business. But there can be no doubt that the unfortunate interposition of the hon. Member for Louth (Mr. Sullivan) prevented that debate from being concluded, and that there is no immediate prospect of its being resumed. I admit that it is impossible, after what has occurred, to leave matters, even for a very short time, as they are; and, therefore, I am going to put a Notice on the Table of the House which I will move to-morrow if I have an op-

portunity of doing so, to the following effect:—

“ That if, at any sitting of the House, or in Committee, any Member shall take notice that strangers are present, the Speaker, or the Chairman (as the case may be) shall forthwith put the question that strangers be ordered to withdraw, without permitting any debate or amendment.”

I wish, Sir, now to make a few observations upon the state of the Business of the House, with regard to what has occurred and what might occur, and what prospects we have in this Session of dealing with the Bills before the House. Charges have been made against the Government—it is easy to make charges—as to its management of the Public Business and the wasting of so much time upon Privilege debates, which it is said have caused such an obstruction to the conduct of business and the prosecution of Government measures. Now, the fact is that the Privilege debates have not wasted an hour of the public time so far, and they have been no obstruction to the prosecution of Government measures. I have been furnished with an abstract of what has been done, and what I find is this. The House met on the 5th of February. Including Morning Sittings, there have been 26 Government days since that date. Two days in the first week were occupied in bringing in Bills, four since with the Regimental Exchanges Bill, nine with the Peace Preservation (Ireland) Bill, four with the Artizans Dwellings Bill, three with Supply, and one each with the Merchant Shipping Acts Amendment Bill, the Friendly Societies Bill, and the Budget. Therefore, in fact, the Privilege debates have not interfered with the conduct of the Public Business. What has interfered, and what is likely to interfere with the conduct of the Public Business, is a question which I wish to bring under the consideration of the House in order that we may have clear ideas in reference to it. The great obstacle to the prosecution of the Government business has been the opposition which has been offered to the Peace Preservation (Ireland) Bill. But in mentioning that fact, which is shown by the table I have just read to the House, from which it appears that nine days have been occupied by that opposition, I wish it to be clearly understood that I make no charge whatever

against any hon. Members for having offered that opposition to the Bill. They were in their Parliamentary right in taking the course they have done with regard to it. It has been said that some hon. Members have used that right excessively; but I do not bring such a charge against them. I believe that, on the whole, taking into consideration the fact that they were determined to offer an unflinching opposition to the Bill, they have not exceeded their Parliamentary right, although I cannot help regretting that, in opposing that measure, they did not take into consideration the fact that the Bill was a modified one, drawn in a conciliatory spirit. But, while I admit the full Parliamentary right of those hon. Members to oppose that Bill, I hope they will not deny the full Parliamentary right of myself and my Colleagues to pass it, and I may state that to pass that Bill is our intention, and that we shall not relax our efforts until we have accomplished that object. Do not, however, let the House suppose that there has been any mismanagement on this question which has retarded the prosecution and the progress of any measure of great importance to the welfare of the country. It has been alleged that it is owing to the want of firmness on the part of the Government that this opposition—which I admit to be constitutional and Parliamentary—to the Peace Preservation Bill has been protracted. I can only say in reply that I have offered to that opposition an unbroken front, and I must take this opportunity of thanking my hon. Friends around me for their constant attendance, and for the gallant manner in which they have supported Her Majesty's Government throughout. It should be remembered that there is nothing unusual in a Peace Preservation Bill for Ireland being opposed in this manner. I will not advert to the discussion that may have occurred on an Arms Act at a time when the House of Commons was broken into fierce parties, and when factious manoeuvres were resorted to; but I will take a period which is often referred to, as one when the conduct of Public Business was such as maintained the high character of the House. I will take the year 1843, when Sir Robert Peel was at the height of his power and prosperity, and when his policy was not questioned by any one in

this House except with regard to the passing of a Peace Preservation Bill, and when even as regard its majority his Government was more powerful than that of the Ministers who now sit on these benches. Let me show what occurred at that time with regard to a measure almost identical with the present. On the 28th of April, 1843, leave was given to bring in an Arms Bill, not so complicated in its character as the present. On the 26th of May Lord Clements made a Motion against the Bill. The second reading of the Bill came on on the 29th of May, and the discussion upon it occupied three days. Our difficulties in connection with the present Bill have been much greater.

MR. SPEAKER: The right hon. Gentleman is now entering into matters of argument and he is therefore out of Order.

MR. DISRAELI: It is not my intention to offer any argument on the subject at the present moment. I will confine myself to stating facts, and if the House desires that I should do so I will conclude with a Motion. I was about to show that the Bill went into Committee on the 15th of June, and that it was in Committee for nine days. The Report was brought up on the 24th of July, and it was not agreed to until the 27th of July. The third reading took place on the 9th of August. The House will, therefore, see that what has occurred in the present instance is not unusual in Parliament with regard to Peace Preservation Acts for Ireland, and that it is totally out of the power of any Minister to restrict fair discussion upon such a question. I will say no more upon that point; but perhaps the House would wish me to make some statement as to the measures which are now upon the Table, and the progress of which has been arrested by the opposition which has been offered to the Peace Preservation Bill. There are a great many measures which the Government have introduced, either in the House of Lords or House of Commons, and the principle of which has been approved by their having been read a second time. We believe it is of the highest importance to the country that these measures should be carried. I have ascertained, so far as I can do so by investigation, and by those estimates which one makes on paper, the manner in which the time of the House will be dis-

posed of during the next three months, and it appears to me that all these measures may be carried—if there be only fair opposition to be encountered—and that the Business of the House may be virtually closed by the end of July. At the same time, however, I think it but fair to say that, from a sense of duty, it is the determination of Her Majesty's Government to carry all those measures, and that we shall adhere to that resolution, even if we feel it our duty to advise Her Majesty not to prorogue Parliament until these measures have received the Royal sanction. I beg to move that this House do now adjourn. Being on my legs I ought to give Notice that it is our intention to proceed with the Budget Resolutions to-morrow morning.

Motion made, and Question proposed, "That this House do now adjourn."—  
(*Mr. Disraeli.*)

THE MARQUESS OF HARTINGTON: I do not intend to avail myself of the opportunity offered by the Motion with which the right hon. Gentleman has concluded to follow him through the statement which he has thought it necessary to make on the subject of questions of Privilege of the House, and also on that of the state of Public Business. But I should like to take the opportunity of asking the right hon. Gentleman one further question, and to premise that question by a very short statement. The House will recollect that the immediate cause or origin of the question of Privilege with which it has been called on to deal was a Motion made by the hon. and learned Member for Londonderry (Mr. C. Lewis) with respect to the publication of certain proceedings of a Committee upstairs. After a not very satisfactory discussion upon that subject the hon. Member for Louth (Mr. Sullivan) asked the right hon. Gentleman whether it was his intention to make to the House any proposals on the subject of the relation between this House and the Press arising out of the publication of our debates; and the right hon. Gentleman having stated that such was not his intention, the hon. Member for Louth said he would avail himself of another privilege of Members of this House in order to force upon the attention of the House and of the Government what he considered to be an unsatisfactory condition of affairs with

*Mr. Disraeli*



reference to the publication of our debates. The Motion which the right hon. Gentleman intends to make with regard to the exclusion of Strangers may be—and I am not prepared to say it is not—a satisfactory settlement of this question; but I think it will not be satisfactory to a majority of the House that this question should be officially disposed of without the House having an opportunity of fully considering that other question which led in the first instance to this particular exercise of Privilege. The question, therefore, which I wish to ask the right hon. Gentleman is, whether he will undertake that within some reasonable time—I do not ask for an early day—an opportunity shall be given for the resumption of the adjourned debate on the first Resolution which I moved, in order that the opinion of the House may be taken upon the relations that exist between the Press and the House with regard to the publication of the debates. In fact, the point might arise whether that Resolution being now upon the Table of the House it would be competent for the right hon. Gentleman to move another affecting the exclusion of Strangers until the Order of the Day for the discussion of my Resolution has been discharged or determined upon by the House. At all events, the House will feel that this question of the rule bearing upon the publication of our debates should be settled. Of course, it is impossible for me as a private Member to secure any opportunity for the renewal of the debate on my Resolution without the assistance of the Government. I have no observations to make in reference to the statement of the right hon. Gentleman as to the position of Public Business, except that it appears to me a somewhat unusual and inconvenient course that the right hon. Gentleman should take the opportunity afforded him on a Motion for the adjournment of the House of answering, so far as I can understand, an article which appeared in *The Times* of yesterday. I am not aware that any imputation has been thrown upon Her Majesty's Government in this House for the length to which the discussion upon the Peace Preservation Act has been carried; but I have observed that certain observations to that effect have been made in the leading journal to which I have referred. I do not think that this is a

convenient time for the discussion of that question, and I merely wish to observe that the right hon. Gentleman has, both on this and on former occasions, told the House that he is a stickler for preserving the precedents of the House, and to ask whether there is any precedent for the course he proposes to take of dealing with the Budget Resolutions at a Morning Sitting? I cannot help thinking that if persisted in there would be very considerable inconvenience in taking an important discussion of that character at a Morning Sitting. If the state of Public Business is such that it cannot be conducted without an interference with the privileges of private Members, I would submit to the right hon. Gentleman that it would be more convenient if he would ask for to-morrow evening instead of to-morrow morning. We all know what is the position of hon. Members who have Motions down on the Paper for Friday if the House has a Morning Sitting and has to re-assemble at 9 o'clock; and I feel sure the hon. Baronet the Member for Chelsea (Sir Charles Dilke) would just as soon give up his right to bring forward his Motion at all as that it should be interfered with by the Budget Resolutions being taken at 2 o'clock to-morrow afternoon. The right hon. Gentleman at the head of the Government has made a very strong statement with regard to the intentions of the Government, to carry all the measures which they have placed upon the Table of the House. I had imagined that that was a matter which rested rather with the House than with the right hon. Gentleman. But I am sure that several hon. Members, who have thought that there has been some want of energy on the part of the right hon. Gentleman in conducting the affairs of the Government in this House up to the present time, will certainly have no cause to complain of that in the future.

MR. DISRAELI: With respect to the remarks of the noble Lord, I may say that in regard to the Budget it would, of course, be more agreeable to us that it should come on on Friday evening. That evening, however, is appropriated to hon. Members over whom I have no influence, but whom the noble Lord is in a position to advise. If the course of Business can be so arranged that the Budget discussion shall come on in the

evening, and not in the afternoon, the wish of the Government will be fully met. [Mr. GLADSTONE: But we ought to know definitely.] So far as we can say at present it must be taken at a Morning Sitting. With regard to the debate on the Motion of the noble Lord, I must confess that—feeling I was intruding rather on the attention of the House—I did not sufficiently notice that point. I think the 25th—the day which I first mentioned to the noble Lord—would be a very convenient day for the resumption of the discussion, and I believe no difficulty would stand in the way. If it be not practicable to obtain that day, I shall certainly feel bound to use my utmost endeavours to secure to the noble Lord the continuance of a debate which I myself believe would be highly advantageous to the House.

MR. GLADSTONE: I am bound to say that in the course of the many years since I first entered Parliament I have rarely listened to a statement from the Leader of the House with greater regret than I have just done to the statement we have now heard from the right hon. Gentleman at the head of the Government. As my noble Friend has just observed, besides the unwritten law of Parliament, there are precedents of Parliament; and there is one precedent—one rule—which above all is important, and that is that due respect should be paid by the Ministers of the Crown, and by the Leaders of the House, to the liberties of hon. Members. I never within my recollection heard an approximation even to the statement we have just heard from the right hon. Gentleman at the head of the Government. I am sorry to feel it incumbent upon me to take notice of it; but the right hon. Gentleman states that the Government have introduced a number of measures, and he did not even condescend to specify what those measures were. Speaking of them in the gross and wholesale, he told the House that if they thought fit to confine themselves to what he considered the proper limits of time for discussion, Parliament might be prorogued in July. He nevertheless failed to specify any one of that mass and bundle of measures which he said it was the intention of the Government to carry, and with respect to which he stated that he must keep the House sitting until all those measures were dis-

posed of. Now, Sir, in no heat of language or use of epithets, but in all seriousness and earnestness, I would appeal not less to Gentlemen on that side than to Gentlemen on this side of the House to know whether this is a becoming tone and method of proceeding on the part of the First Minister of the Crown. I do not wish to use any epithet beyond this; but I do feel it necessary to follow my noble Friend in entering his protest against such a cause; and I claim for my own liberty to say, that if such a tone should be again adopted, even by a person holding the high station of the First Minister of the Crown, I will reserve to myself the right to take such steps as I may see cause for. I have a word or two to say with respect to the Budget. I own it is with great surprise that I hear the right hon. Gentleman state on a Thursday afternoon “it is our intention to proceed with the Budget to-morrow at 2 o’clock.” Well, Sir, in the first place, as has been stated by my noble Friend, it is entirely without precedent to bring forward the Budget—the principal discussion of the Budget and its general character and features—at a Morning Sitting, and this for the most obvious reasons. It is upon that subject, more even than upon any other, that we desire the advantage of the presence of those amongst our Members who have experience in finance, and whose necessary business requires their presence in the City at that hour. I must, therefore, say that if, under very great pressure, the right hon. Gentleman had thought fit to make an appeal to the House, and to say that, if no objection was taken, he wished, under the circumstances, with regard to Private Business, the Budget should be taken at 2 o’clock, that undoubtedly would have been the way to secure favourable acceptance of the proposal, though possibly not without serious inconvenience. But I must say that it is most objectionable at this short Notice, in defiance of all precedent, to announce positively, on the part of the Government, and not on the part of the House—no Morning Sitting having, so far as I am aware, been appointed for to-morrow—that the Government would proceed at 2 o’clock with that Business, in total disregard, apparently, of the convenience or inconvenience of those Gentlemen to whose usual and necessary detention in the

City I have already adverted. With reference to the Budget I am sorry to say for myself that it will be necessary for me to make observations—perhaps rather more detailed observations than I should wish—upon many points that have been raised on the Financial Statement for the year. As far as I am concerned, I will make no difficulty whatever; but, at the same time, I own that if the meeting is to be held, and for that purpose, I should have acceded to the proposal with infinitely greater satisfaction had the right hon. Gentleman, in the tone he used and the language he adopted, been a little more considerate with regard to the Rules of the House, and with regard to the convenience of Members, as well as the right and title of the House to fix the time and method of its own proceedings.

MR. DISRAELI: When I mentioned a Morning Sitting I was of opinion that my right hon. Friend the Chancellor of the Exchequer had sounded the feeling of right hon. Gentlemen opposite in this matter. Otherwise, I should not so rudely have announced the intention of the Government with respect to bringing forward the Budget at a Morning Sitting to-morrow. I see the hon. Baronet the Member for Chelsea (Sir Charles Dilke) in his place, and if he would make an arrangement so as not to bring forward his Motion to-morrow night, we could then take the Budget. But we are in the hands of the hon. Gentleman.

SIR CHARLES W. DILKE: I should not dream of standing in the way of the House with regard to bringing forward the Budget Resolutions to-morrow night. I would, however, ask, not on my own behalf, but in the interests of private Members generally, that some means should be afforded them for bringing forward the Motions which stand in their names, and for this reason—that hon. Members having given way before without a definite promise from the Government have been disappointed in not finding another opportunity of submitting their propositions. On a recent occasion the right hon. Gentleman at the head of the Government made an appeal to the noble Lord the Member for Haddingtonshire (Lord Elcho) not to bring forward a Motion which he had on the Paper. Ultimately it happened that the noble Lord did not give way, whilst the hon. and learned Member for Lon-

donderry (Mr. C. Lewis) and myself did give way, without asking for a day, and I think in the circumstances it is better that I should ask for a day on this occasion.

MR. DISRAELI: If the hon. Baronet will communicate with me I will endeavour to make a satisfactory arrangement.

MR. NEWDEGATE: I confess that I have heard the statement of the right hon. Gentleman at the head of the Government with some disappointment. I was the first Member of the House this Session to call attention to the confusion of matters in the Order Book with reference to the opportunities afforded to non-official Members for bringing on their Motions. It appears to me that there was ample reason for the appointment of a Committee to consider the questions which have arisen with respect to the state of Public Business and the Privileges of non-official Members of the House. I had entertained the hope that some such Committee would be suggested or sanctioned by the First Minister of the Crown; but, on the contrary, the right hon. Gentleman has clearly informed us that, so far as he is concerned, he will do nothing towards remedying that confusion to which I have alluded, and he has announced his intention of taking Government measures from day to day, claiming to himself the power obtained under the Resolutions of 1869 of appointing Morning Sittings, and thus aggravating the difficulties which we all feel in regard to bringing forward any Motions we may desire to submit to the consideration of the House. With regard to what fell from the right hon. Gentleman as to the position of the Irish Coercion Bill, I think the precedent the right hon. Gentleman cited—that of the Arms Act of 1844—was a very unfortunate one. It is the first instance I remember of the gross abuse of debate in Committee, by debates not on details, but repeated debates on principle. I little expected to hear the First Minister of the Crown applaud such a transgression of the rules of legitimate debate. I am sorry to say that the practice of opposition in Committee has been sanctioned by the conduct of the Conservative Party during the last Parliament. I lamented that circumstance at the time, and I lament it now; because it is the means by which, more

than by any other, the debates of this House become unduly protracted. It is now almost impossible to prevent repeated allusions to the principle of a Bill in Committee—a thing which is contrary to the former and better custom of this House. No one can doubt that these repetitions and irrelevancies tend to degrade the debates of this great Assembly and to lower their standard.

THE MARQUESS OF HARTINGTON: I do not know that it is quite understood on this side of the House whether the right hon. Gentleman at the head of the Government intends to make his Motion to-morrow respecting the exclusion of Strangers.

MR. DISRAELI: I should like to put my Motion on the Paper; but as the Budget is fixed for to-morrow, it may be more convenient to take that Motion on another day.

Motion, by leave, *withdrawn*.

#### BOSTON ELECTION.

HER MAJESTY'S ANSWER TO THE ADDRESS.

Answer to Address *reported*, as follows:—

"I have received the joint Address of the two Houses of Parliament in reference to the Report made by the Judge selected to try a Petition in respect of the Election and Return for the Borough of Boston; and I have given directions accordingly for the appointment of the Gentlemen named in the Address to be Commissioners for the purpose of making the Inquiry prayed for."

#### THE QUEEN v. CASTRO—THE TRIAL AT BAR—THE DEBATE OF APRIL 23.

##### PERSONAL EXPLANATION.

MR. WHALLEY: I have wished, Sir, to make a personal explanation, in accordance with a Notice I gave on a previous day. I have, however, deferred mention of the subject until the right hon. Member for Tamworth (Sir Robert Peel) should be in his place and have an opportunity of replying; but I have received from the right hon. Baronet a letter, by which I presume he is not present. [Sir ROBERT PEEL here entered the House.] I am very happy to see the right hon. Gentleman in his place, and therefore I need not read the letter, the receipt of which led me to suppose he would not be here.

*Mr. Newdegate*

It will be in the recollection of the House that, in the course of the debate which took place on the 23rd of April, the hon. Member for Stoke read a paper in the form of a memorandum, said to have been left behind him by the person whom I may refer to, with the permission of the House, as the Claimant, stating substantially that he had been told by me that the right hon. Baronet had informed me that Sir Alexander Cockburn had told him that the Claimant would be convicted and sentenced to 15 years' penal servitude. The right hon. Baronet was not in his place on that occasion; but on the following Monday he rose, as I rise now, and said that there was not, in that statement, the shadow of a shade of truth, making use of other expressions of that kind; and going especially into the features of the memorandum, it appeared to the right hon. Baronet a palpable absurdity that a person in the position of the Lord Chief Justice of the Queen's Bench should have penned such a communication to him as he was represented to have made. I beg leave to say that I greatly sympathized with the right hon. Baronet in what he said on that occasion, as to being dragged before the House on such a subject; and also, to a certain extent, I sympathized with the right hon. Gentleman in what he said with regard to the hon. Member for Stoke reading the memorandum, and with respect to any question of veracity—though I should hardly call it that—between the right hon. Baronet and myself. I shall speak with the utmost possible reservation, or mitigation, as to my own recollection on any point which comes into collision with the recollection of the right hon. Baronet. With respect to the memorandum, I am sure that the right hon. Baronet will, at any rate, give me credit for having stated only what I believed to be true. What I stated to the Claimant was what I believed the right hon. Baronet to have said—and I take the liberty to say that my recollection still holds good that it was what the right hon. Baronet said—and, in justice to the unhappy man in prison, he has, to the best of my recollection, also accurately recorded in the memorandum what was read by the hon. Member for Stoke. With regard to the "palpable absurdity" of the statement, I would recall to the recollection of the



right hon. Baronet this circumstance, that the communication was made by him to me—not in a casual conversation merely, not in a mere gossiping tone, but in a formal appeal to me for information on the subject; that I did myself suggest to him how exceedingly improbable it was that the right hon. Baronet should have been mistaken in what he repeated to me as the statement of the Lord Chief Justice. But, as I have said, I desire to keep my recollection in subjection to the right hon. Baronet's recollection in the matter—and I hope he will not forget that when I heard of the intention of the hon. Member for Stoke to make public that memorandum, I took the first opportunity of writing to the right hon. Baronet expressing my regret that his name should thus be brought before the public, and stating that it was not at all with my consent, but in fact, so far as I could make any protest to the hon. Member for Stoke, that it was against my protest that that was to be done. I certainly did understand that the right hon. Baronet accepted my explanation in the spirit in which I gave it; and I think he will exonerate me from all further responsibility in the matter. I have no doubt whatever, if the opportunity were offered for further discussion between the right hon. Baronet and myself, and if the House were to grant the inquiry which it has so emphatically refused, then all differences as to recollection between him and myself would be reconciled. Rather than impute anything to the right hon. Baronet or bring myself into collision with him, I would plead some deficiency of recollection on my part; but what I would say is that it was not at the time "palpably absurd" that the Lord Chief Justice should make such a communication to the right hon. Baronet. It was not absurd then, because it was only a few weeks before that unhappy man, the Claimant—

["Order, order!"]

MR. SPEAKER: I must point out to the hon. Member that he is going beyond the bounds of personal explanation.

MR. WHALLEY: I hope that what I am about to say will be more agreeable to the House than the point I have just referred to. What I am about to say raises the question of the accuracy of statements which have passed between

two or three Members of the House. I quite concurred in the remark which has been made as to the unmannerly proceeding of hon. Members, directly or indirectly, allowing private conversation to be repeated and made use of for public purposes; and if the House considers that I have erred in this matter, and that I was not justified in repeating what I had heard to the Claimant, I will at once throw myself on the indulgence of the House. Recognizing the force of the observations to which I have just adverted, I will merely say that the communication in question was not made to me in a gossiping form at all, but in a tone of—"Order, order!"

MR. SPEAKER: I have to suggest to the hon. Member that he is drawing too much on the indulgence of the House in repeating observations which he has made more than once.

MR. WHALLEY: I think I have entered upon a topic which, if I could be permitted to exhaust it, would raise this personal question into one of public importance. Therefore, I shall beg leave to conclude with a Motion, for it seems to me that nothing could be more important than the question raised by the remark as to the use that should not be made of casual conversations, and I hope the House will be pleased to listen to a statement of the circumstances. ["No, no!"] I defer at once to the feeling manifested by the House on that subject. In conclusion, I can only say that I now certify to the accuracy of the memorandum as containing to the best of my recollection that which the right hon. Baronet stated to me, and which I conveyed to the Claimant.

SIR ROBERT PEEL: I wish, Sir, to say only one word with respect to the statement of the hon. Member for Peterborough. In common with the House, I have listened with great satisfaction to the statement just made; for, as far as I could gather from it, the hon. Member has completely exonerated me from having said what there is no doubt that he incorrectly reported to the person to whom he alludes as the Claimant. The hon. Gentleman has distinctly stated in the hearing of the House that he subjected his recollection and his opinion in this matter entirely to mine. I can only assure the hon. Member, as I assured him in the letter to which he has referred, that I did not and could not have

said what I was reported in the Orton Diary to have said, and which the hon. Member for Stoke brought before the notice of the House. What does the thing really amount to? Why, that the Claimant told his counsel, Dr. Kenealy — [Mr. WHALLEY: No, no!] — I am only stating what the charge was. It was that the Claimant told his counsel that he, the Claimant, had heard from Mr. Whalley, who had heard from Sir Robert Peel, who had heard from the Lord Chief Justice, who had been informed by the other Judges, that before the jury had decided in a criminal case which they were trying, they, the Judges, had come to the determination to convict the prisoner! That statement bore its own refutation. I am glad the hon. Gentleman has given me the opportunity of confirming the subjection in which he has placed his own views to mine, and I assure him that he must have been mistaken; and I have nothing to retract from or to add to the statement which the House, with its usual courtesy and kindness, permitted me to make the other evening.

PEACE PRESERVATION (IRELAND)

BILL—[BILL 77.]

(*Sir Michael Hicks-Beach, The Solicitor General for Ireland.*)

COMMITTEE. [*Progress 4th May.*]

Bill considered in Committee.

(In the Committee.)

Clause 5 (Continuance of certain parts of Protection of Life and Property in certain Parts of Ireland Act.)

LORD ROBERT MONTAGU proposed to leave out the clause, which re-enacted the Westmeath Act. He contended that as this Bill applied to the whole of Ireland it was unnecessary to have a special Act for three of the counties, placing them on a different footing from the rest of Ireland. The powers given under the clauses already agreed to, and the re-enactment of the Unlawful Oaths Act, were amply sufficient to repress any amount of Ribbonism or disaffection in Ireland without adding any further coercive clauses. The 5th clause provided that the Protection of Life and Property Act should continue for two years—which was equivalent to saying that any person who was suspected—and a whisper from a magistrate, a policeman, or a personal

*Sir Robert Peel*

enemy was a sufficient cause of suspicion—of being guilty of misdemeanour, of being accessory to a felony, or of being a Ribbonman, might be arrested and sent to prison; and when in prison not even a Judge could bail that suspected person out, because the Habeas Corpus Act was suspended. At no previous time since the days of Runnymede had the Habeas Corpus Act been suspended for a longer period than one year, and he trusted that the Committee would not again sanction its being suspended for a period of two years. The noble Marquess opposite (the Marquess of Hartington) announced in 1871 that it was unconstitutional to pass such an Act as that applied to Westmeath unless it was justified by necessity; and he now called upon the noble Lord to vote against the 5th clause on the ground that the Chief Secretary for Ireland had denied its necessity, and had challenged the Committee to be very careful how they should re-enact the Westmeath Act. If Ribbonism existed, the Chief Secretary said it was sleeping, and, in the words of the adage, he (Lord Robert Montagu) said, "Let the sleeping dog lie." He had been assured by persons of the highest authority that the Ribbon conspiracy did not exist, except in the imagination of policemen and magistrates who desired to magnify their office. Bishops and priests, who had nothing to gain one way or the other, asserted its non-existence. If it did exist, then there was a curious fact—Why did the Government release Captain Duffy, the man who was said to have organized it? This man was released because he was powerless, as there was no Ribbon conspiracy. From a Return issued that morning he found that only 16 persons had been arrested under the Westmeath Act, and unless there was a necessity proved and shown for its continuance, they had no right to renew such an unconstitutional measure. He called upon the noble Marquess to abide by the principle he enunciated in 1871, and again in 1873, and to assist him in negating the 5th clause, the omission of which he now moved.

Amendment proposed, to leave out Clause 5.—(*Lord Robert Montagu.*)

SIR MICHAEL HICKS-BEACH trusted the Committee would pardon him if he did not enter at length into

the arguments of the noble Lord the Member for Westmeath, who had told them that he believed the provisions of this Bill with regard to the restrictions on the possession of arms, and the renewal of the Unlawful Oaths Act for five years, were sufficient to deal with the Ribbon conspiracy. He (Sir Michael Hicks-Beach) could only say that those restrictions and that Act existed in 1871, when they proved to be utterly inefficient to deal with the Ribbon conspiracy, and it was found necessary to ask the House to give the power which it was now sought to renew. Not only did the restrictions on the possession of arms then exist, but far stronger provisions were contained in the law at that time relating to the arrest of persons suspected of being mixed up with agrarian crime. The Government proposed to renew the Westmeath Act, because it had been found an instrument efficient for its purpose. It did not hurt anyone who did not properly fall within the scope of its provisions, and no orderly person in Westmeath or King's County was or had been in the slightest degree affected by the existence of the Act, which was a terror only to evil-doers. The noble Lord had more than once accused him of having stated to the House that the Ribbon conspiracy no longer existed. He (Sir Michael Hicks-Beach) denied ever having made such a statement. It was usual, when words were attributed to a Member of that House, and when he denied having used those words, that the Member who charged him with having used them should take that denial as truth. What he said in his opening speech on this Bill was this—that it might be argued by the noble Lord and others who held the same opinions that the Ribbon conspiracy no longer existed, because there were no outward signs of it, and he proceeded to show the reasons which would justify the House in considering that it did still exist, but that it was dormant, and was kept so by the operation of those provisions which the Committee were now asked to renew.

LORD ROBERT MONTAGU said, he quoted the Chief Secretary's own words, which he took down at the time, to the effect that "the Ribbon conspiracy was dormant."

MR. P. J. SMYTH confirmed all that had been said by the noble Lord opposite

(Lord Robert Montagu), and repeated the protest which he entered against a continuance of this Act on the second reading of the Bill.

MR. BUTT observed, that this was by far the most important part of the Bill. He thought that the renewal of the Westmeath Act ought never to have been proposed, for it was, in truth, reviving in another form the practice, which they had protested against last year, of passing important measures in one general continuing Bill. He complained that the Chief Secretary, in introducing this Bill, had stated that the Government had confidentially consulted the magistrates of Westmeath and the adjacent districts, but had not given that information to the House. At a meeting of the clergy and people, presided over by the Roman Catholic Bishop of the district, a resolution was unanimously carried, declaring that, after careful inquiry and mature deliberation, they came to the conclusion that Ribbon organization did not exist in their country. That, at least, was as strong and reliable information as the unproduced and secret information of police officers. That, in point of fact, was all the Government had. The great majority of the Irish Members came forward and protested against this Westmeath Act, and did the Government suppose for one moment that on their part there would be any complicity with assassins? The two Members for Westmeath themselves protested against the measure, and declared it to be altogether unnecessary. It was to the representations of the Members sent to Parliament, and not to the reports of police officers, that the Government ought to seek for information. Under the Act no less than 16 men had been arrested, and were, untried, sent to gaol for long periods of imprisonment, but not the slightest particle of information was elicited as to the existence of a Ribbon conspiracy. If there were any such confederacy, it existed in defiance of the Act, which was not likely to be operative in future. The Chief Secretary for Ireland told them that murder was only in abeyance by reason of the operation of this Act. Police officers had written to Dublin Castle to that effect. Well, if the information were correct, why were not the intended murderers arrested, and the supposed victims warned of their

presumably pre-arranged fate? It was obviously the duty of the Government to have the man arrested. What reliance was there to be placed on the reports of police officers under the circumstances which required them to be supplied? There was no Ribbon conspirator now in gaol; but Captain Duffy walked abroad, and in the opinion of the Roman Catholic Bishops and clergy he was released from prison on the memorial of certain magistrates, who desired to use him for their own protection, when they intended their own tenants should be evicted. Was it right, he would ask, that on a system of reports made behind men's backs the liberties of Ireland should be taken away? This part of the Bill was a novelty even in coercion, for it was not only the first time that the Habeas Corpus Act had been suspended for more than one year, but the suspension had never before been applied to persons who were not accused of treason. A more objectionable mode of legislation was never adopted than that which proposed to revive such an Act as the Westmeath Act at the end of a Bill without repealing any of its clauses. However careful the right hon. Gentleman might be in the administration of the law, he (Mr. Butt) objected to trusting him. It was not the principle of the Constitution to ask for extraordinary powers, and then to say that no person would be imprisoned who did not deserve to be so dealt with. He should certainly support the Amendment of the noble Lord, and he hoped the clause would be omitted from the Bill.

SIR JOSEPH M'KENNA entered his protest against the law which this Bill intended to re-enact. That law was founded on the evidence obtained in 1871, and was passed under a sense of panic. He had known Westmeath for the last 25 years, and he could speak as to the state of the county with the confidence of one who had property there, and was in the habit of collecting his own rents. He was as convinced as he was of his own existence that there was no vestige of Ribbonism active in Westmeath, or merely held in abeyance there by the fear of this Act. The Captain Duffy—who, by the way, was no Captain at all—of whom they had heard so much, conspired, no doubt, if it be possible for a man to conspire, with himself alone. Like any other ruffian who was roaming

*Mr. Butt*

about at the time, he was made use of occasionally to carry out some indefensible design. They had no satisfactory statement of the circumstances under which Duffy had been released from durance. He believed the Westmeath Committee had been grossly imposed upon by their credence in the printed paper, which purported to set forth the Ribbon oath, but as he had already dealt with that subject, he would not now go into it.

MR. CONOLLY objected to the Amendment. It was quite evident that if these powers were entrusted to the Government the parties suspected would be under the necessity of obeying the law. He did not concede that there was any reasonable ground for excluding from the operation of the Bill either Meath or Westmeath. He did not wish that any man should be in gaol, and it was quite right that every portion of this Bill should be strictly examined; but he did not think these restrictive measures could at present be dispensed with. There was one person particularly connected with journals in Ireland who had vilified him for his conduct in this House. Now, he was always ready to answer any Gentleman who might call him in question for any expression he might have used in the course of debate; but he thought it hardly manly that one having a seat in the House should take advantage of his journal in Ireland to vilify him.

THE CHAIRMAN reminded the hon. Member that he was not addressing himself to the question before the Committee.

MR. CONOLLY merely wished to add that but for that vilification it would not have been necessary for him to have taken such an active part in favour of the Bill. As to the statement made by Dr. Nulty, the Catholic Bishop, that Ribbonism did not exist in Westmeath, he knew that excellent Bishop well. He was a most amiable man, and believed that the fact was so; but the Committee had the assurance of the right hon. Gentleman the Chief Secretary for Ireland to the contrary; and on that account he saw no reason why the Amendment of the noble Lord the Member for Westmeath should be adopted.

MR. M'CARTHY DOWNING said, that by the Amendment it was not intended to exclude Westmeath from parts of the Act, but merely to repeal the



old Act passed in reference to that county, and to leave that county to the same law as was applicable to the whole of Ireland. The Bill was avowedly one for the purpose of putting down agrarian crime in Westmeath; but it was admitted that there was no crime of that kind in that county. Still, they were asked, without any reasons being given, to pass the measure, and to leave to the responsibility of the Government the mode of carrying it out.

MR. PARNELL said, that this was not a clause relating to that ordinary coercion which they had debated day after day, but one of a severely stringent and unconstitutional nature, for it gave to the Lord Lieutenant power to imprison for a certain time any man whom the police might say was suspected of being a member of a Ribbon society, but how was the Lord Lieutenant to know whether the suspicions of the police were well founded? He was firmly convinced that no Ribbonism existed in Westmeath, and for that reason it was not fair to apply an Act to it involving the suspension of the *habeas corpus*. The hon. Member for Donegal (Mr. Conolly) seemed indignant at the assertion being made that such was the case; but they had the evidence of the highest authorities that Ribbonism did not exist.

MR. FAY contended that the arguments of the Chief Secretary for Ireland were inconsistent, for one day he relied upon the statements of the magistrates in Ireland and the next day he said that he did not. He (Mr. Fay) believed that upwards of 30,000 Irish were in the Infantry of the British Army, so that if the assertions made with regard to the existence of Ribbonism were true it found its way even there. He did not believe it, and should therefore support the Amendment.

MR. GOLDNEY would take the liberty of reminding hon. Gentlemen, Members from Ireland, that the Act itself directed that Returns of the number of arrests made, specifying the circumstances, should be laid before the House within 14 days, so that if anything irregular occurred they would always have an opportunity of calling attention to it.

MR. WHITWELL pointed out that this clause would enlarge the area of those persons who would be subject to the operation of the Act, for it would

embrace all those who were suspected through living in a proscribed district in 1871.

MR. BIGGAR said, the *habeas corpus* was proposed to be suspended in Westmeath, on the ground that Ribbonism existed there; but having carefully read the evidence given before the Committee, he could see no ground for such an assumption. There was not a person in gaol, and therefore there was no pretence for passing this Bill.

MR. RONAYNE, in answer to what had been said by hon. Gentlemen opposite about Returns of persons arrested being laid before the House, said, that cases had occurred in Ireland where persons had been arrested under a warrant signed by the Lord Lieutenant, and imprisoned no one knew where. In many other cases their friends were denied access to them. A man was arrested as having been accessory before a murder—a case not of suspicion, but, as stated in the Returns, of fact. Now, that man ought to have been tried, or else brought up by *habeas corpus*; but instead of taking either process, he was imprisoned and allowed to remain so.

Question put, "That Clause 5 stand part of the Bill."

The Committee *divided*:—Ayes 305; Noes 68: Majority 237.

CAPTAIN NOLAN proposed the following clause:—

(Possession of fowling-pieces.)

"Provided always, anything in the original or amending Acts to the contrary notwithstanding, it shall be lawful for any barrister-at-law, for any surgeon or doctor of medicine, or any attorney or solicitor, or any clergyman in orders belonging to any denomination, or any person who pays county cess or poor rates on an annual valuation of not less than twelve pounds, to keep and to use, by himself or through his servant, one double or single barrellled fowling-piece; this, however, not to save such person from any prosecution on the part of the Excise for not having taken out a game licence or for not having paid gun tax."

All the large proprietors in Ireland were allowed the possession of such arms; and he thought that those occupiers who paid county cess or poor rates on an annual valuation of £12 should be privileged to keep a fowling-piece. He did not bind himself to a payment of county cess or poor rates on a valuation of £12, and he had no objection to the sum being larger; but he thought it was not right that the privilege to possess such arms

should be conceded to the upper classes only, and withheld from the class he had named. He, therefore, hoped the Committee would adopt the clause.

New Clause — (*Captain Nolan*,) — brought up, and read the first time.

SIR MICHAEL HICKS-BEACH said, the Committee had already decided that licences must be taken out for fowling-pieces as for other arms. The Committee had also acceded, on his own proposal and on the suggestion of the hon. and learned Member for Limerick (Mr. Butt), to certain alterations which would tend materially to facilitate the possession of fowling-pieces. He had, therefore, hoped that the hon. and gallant Gentleman would not think it necessary to move this clause. The exemptions from the necessity of obtaining licences were confined to magistrates and to other officials, such as members of the Coast-guard or the Constabulary, or persons engaged in military service whose duty required them to carry arms. The proposal of the hon. and gallant Gentleman would make an invidious distinction.

MR. O'SHAUGHNESSY, in supporting the Motion of his hon. and gallant Friend, said, he always went back to the principle which the right hon. Baronet and the Solicitor General laid down—namely, that the Bill should be tempered with mercy in cases where no need of coercion was alleged to exist. The object of his hon. and gallant Friend was that the middle classes, who were known not to be mixed up with any unlawful societies, should be exempted from the stringency of the proposed Act, and he thought it came within the principle on which he relied.

MR. CALLAN said, that there were hon. Members in that House who would not have the power of carrying arms as the Bill stood; and surely the Government could not think that such persons were disentitled to the privilege.

MR. BIGGAR said, he thought the Government could only be making a reasonable concession if they assented to the Amendment as it stood.

MR. O'CONNOR POWER said, that if the Government helped to reject the clause, they would declare that not only had they no faith in the loyalty of the lower classes, but that they also distrusted the upper classes.

*Captain Nolan*

MR. MELDON, as a professional man, did not ask to be treated differently from the lower order of his countrymen, and would now vote against the new clause, were it not that the Government had itself made an exception in favour of the magistrates. He did not see why, if magistrates were allowed to carry arms, a barrister should not also be allowed to do so. Indeed, such at the present moment was the horror of the Irish people at agrarian crimes, that it became necessary that the counsel who undertook to defend those accused of it should carry arms in self-defence.

MR. BULWER said, he could not see why the clause should fix the qualification at a rating of £12 rather than £6, or why a person living in lodgings should be excluded under the clause. He could not see how the Government could accept it.

MR. FAY said, he did not like to see exclusive privileges granted to professional men. He thought that farmers with moderate holdings might be regarded as men having, in his sense of the word, strong "Conservative" instincts, and as being men not forward to violate the law.

MR. SULLIVAN said, he hoped that farmers would not be seized for carrying croquet-boxes. He knew an instance of an hon. Gentleman who was seized for carrying a croquet-box because it was so like a gun-box.

Motion made, and Question put, "That the Clause be read a second time."

The Committee divided:—Ayes 46; Noes 157: Majority 112.

CAPTAIN NOLAN then moved the insertion of the following clause:—

"Any occupier of land in Ireland may apply by Petition of Right to be indemnified for any damage done to his crops by wild birds, hares, or rabbits, provided he proves such damage has accrued by reason of the operation of this Act, and all the provisions of the Statutes in force in Ireland in respect to the said Petition, and the procedure thereon, and the granting of costs of the Petition, shall extend and be applicable to any Petition so presented by such occupier."

If he were addressing a committee of English farmers they would not hesitate to insert in the Bill a provision such as he submitted for the consideration of the Committee. The damage done might, in most instances, be small; but the Com-

mittee should remember that the small margin of, say 5 per cent, was all the farmer had to live upon. It might be said that they might use poison to get rid of hares and rabbits; but it was clear that the extensive use of poison might lead to the occurrence of serious accidents, and poison, if used to keep down rabbits or birds, might also be used to kill foxes. The Bill contained a precedent for the granting of compensation, and there existed the further precedent of compensation to farmers for the injury done to crops by reason of the movement of troops over cultivated land. If it were found that the amount of compensation to be paid for damage really arising from a want of guns in a particular district was unduly large, steps would be taken to relax the stringency of the rule to suit the necessities of the case.

SIR MICHAEL HICKS-BEACH could not adopt a clause which appeared to be based on a principle on all fours with one which would give manufacturers compensation for losses which accrued from the operation of the Factory Acts. If a farmer had the right of destroying these animals on his farm, he could do so in other ways than by shooting them. Hares were very few in Ireland, and rabbits could be snared, so that there was no necessity for farmers to have guns in order to protect themselves against them, and therefore no necessity for them to be compensated for losses which would not be consequent upon their being deprived of guns.

MR. BIGGAR pointed out that wild birds could not be easily snared.

MR. BUTT said, he thought that there was nothing unreasonable in the proposal of the hon. and gallant Member; but he asked him to withdraw his clause on the ground that not only the Committee, but public opinion also, was not quite ripe for doing strict justice in the matter.

Clause, by leave, *withdrawn*.

MR. MELDON moved to insert the following clause:—

(Number of divisions for holding sessions for trying offences under this Act not to be reduced.)

"During the continuance of this Act, or any Act or part of an Act hereby continued, the number of divisions or districts for the holding of sessions in any county or riding now existing

for the transaction of any criminal business recognisable or determinable at any general or quarter sessions of the peace shall not be reduced, but all criminal business shall continue to be transacted in the division or district where such criminal business is now transacted."

The hon. Member explained that steps were now being taken to have all the criminal and civil business of quarter sessions transacted in one town for each county. It would work injustice if men, arrested for trifling offences under this Act, were taken out of the district in which they were known and tried in a place where they were not known.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, that, in the event of there being any change in the mode of conducting criminal business, it would be a change made generally, and for the convenience of the counties, and would not have special reference to this Act. He hoped that the Amendment would not be pressed.

Clause, by leave, *withdrawn*.

Schedule A.

MR. BUTT moved the repeal of the 18th section of the Peace Preservation (Ireland) Act, 1870, which enabled magistrates to hold inquiries into charges against suspected persons in their absence and in private, but he declined to press it to a division. He next moved the repeal of section 14, which gave power to magistrates to arrest witnesses supposed to be about to abscond at refusal to bail without the assent of the committing magistrate.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, he could not assent to the Amendment.

Amendment *negatived*.

MR. BUTT then moved an Amendment, the object of which was to repeal a provision enabling a magistrate, whenever a person was suspected of sending a threatening letter, to issue his warrant authorizing a search to be made of that person's house, and of all his private papers, in order to find evidence to convict him of that offence. That was a most odious power, and one entirely inconsistent with English law. It was, moreover, very liable to be abused, and in one instance of that kind a remedy was given in the shape of damages in an action, but only on the ground of some technical informality. He might have to

take the sense of the Committee on that provision on the Report; but he hoped that in the meantime the Chief Secretary would seriously consider whether it might not be safely dispensed with. He acknowledged that the right hon. Baronet had made most important concessions, both in bringing in the Bill and also during its progress. He valued the latter class of concessions most, because they had been made without fear of any taunt that the Government had yielded to pressure. The right hon. Baronet, he was sure, was not influenced by any such unworthy feeling, the only pressure to which he yielded being that of reason and argument. Threatening letters were often ludicrous, and he had himself received several at which he only laughed.

SIR MICHAEL HICKS-BEACH said, it was not without very careful consideration that the Government had proposed to re-enact that clause. Threatening letters really deserving the name, and which were too often followed by outrages that created terror, still continued in Ireland. The police had reported that three times as many threatening letters had been sent this year as in 1866, but far less than in 1870, when the clause was introduced. There still appeared to be sufficient grounds for retaining that provision, the operation of which was very carefully guarded. Cases had been brought under his notice where the power conferred by the clause had proved most valuable; and in no instance but the one to which the hon. and learned Member had referred, and in which there had been a legal remedy, had the Government any knowledge of its having been abused.

MR. RONAYNE, as an employer of labour, had frequently received anonymous threatening letters, but had always thrown them into the waste-paper basket and taken no further notice of them. He believed that one-half of the persons who received such letters acted under a feeling of cowardice in making reports respecting them to the police. He mentioned that, as regarded experts in questions of handwriting, an instance occurred at a trial of a Mr. O'Brien, at Cork, in which the handwriting was a written receipt, and certain bankers and their clerks swore that the handwriting was that of O'Brien, and he was sentenced to be hanged, and two years after the Crown required a jury to find that

the same receipt was written by a Captain Mackay. So that after the conviction of one man the Crown produced the same receipt, and tried to hang another upon it. He thought, therefore, no reliance could be placed on the evidence of experts given in secret, and upon which the police acted.

*Amendment negatived.*

On the Preamble,

LORD ROBERT MONTAGU moved to add to line 19 the following words, which had been rendered necessary by the Amendment of the hon. and learned Member for Limerick (Mr. Butt), and to which, he understood, the Government offered no opposition—

“And whereas various persons have, by reason of neglect or otherwise, not complied with the provisions of the said Acts.”

MR. M'CARTHY DOWNING (in the absence of Mr. BUTT) said, before the duties of the Committee were discharged he must acknowledge the fair consideration which the Irish Members generally had received from both sides of the House; that in the discussion of national and constitutional questions of great importance, the English and Scotch Members had given them a large support, and, on the whole, he thought the majority of the Irish Members would be satisfied with the manner in which they had been met by the Government with regard to the proposals they had brought forward.

MR. HERMON said, the Members on that side of the House—the Government side—had given a consistent support to the Government in the discussions on this measure, knowing it was as distasteful to them to bring it forward as it was to the hon. Gentlemen opposite. Nothing but a stern sense of duty had induced them to bring it forward, and therefore he felt bound to support them. He was very glad to hear what had fallen from the hon. Member (Mr. Downing), and he hoped the hon. Gentleman would convey those sentiments to his friends in Ireland.

MR. RONAYNE objected to the conduct of the hon. Gentlemen on the other side on the ground that they had not discussed this Bill, and had thrown all the burden of discussion on Members on his own side. He hoped and believed that the hearts and sentiments of hon. Members opposite were not with this

*Mr. Butt*



Bill, and that they simply acted on the responsibility of the Chief Secretary for Ireland; but he thought they ought not to have done so merely on the authority of secret letters written by police officers to Dublin Castle, without requiring that proof which would have given satisfaction.

MR. MITCHELL HENRY appealed to the Government to have the Bill reprinted before the Report was brought up. Being a highly penal measure it should be made as clear as possible. Various concessions, as the Government thought, had been made, whilst many others had been refused, and it would add to a clear understanding of the subject if the Bill could be reprinted. He would undertake to assure the Government that no advantage would be taken of it if that course were adopted.

THE CHAIRMAN pointed out that the Amendment had been proposed by the noble Lord the Member for Westmeath, and that a general discussion on the Bill would be more appropriate on the third reading.

*Amendment agreed to.*

On Question, "That the Preamble stand part of the Bill,"

SIR EARDLEY WILMOT wished to bear testimony to the patience and forbearance shown by Her Majesty's Government to everybody in that House during the discussions on this Bill, and also to the courage, honourable resolution, and ability evinced by the Irish Members on both sides of the House in the defence of what they no doubt conscientiously considered to be an unjust interference with the liberties of their country. He never felt greater pain and sorrow than in being obliged to assent to a restriction of the liberties of any portion of his countrymen. He should have been glad to limit the operation of the Bill to two years instead of five. He was one of those Members who had left the House when the hon. Member for Sheffield (Mr. Mundella) proposed his Amendment, and he would explain why he did so—

THE CHAIRMAN: The Question before the Committee is that this be the Preamble of the Bill. That Question raised all the general points embodied in the Bill; but the hon. Baronet appeared to be making a personal explanation instead of discussing the Bill.

SIR EARDLEY WILMOT said, that what he was proposing to do was to show that Clause 5 of the Bill was not in accordance with his feelings, and he wished to tell the Committee why he objected to it. ["Oh, oh!"] He would undertake to show on another occasion, why he objected to a person being arbitrarily imprisoned for more than 12 months.

MR. CHARLEY congratulated the Chief Secretary for Ireland on the repeal of the odious Press Laws, imposed upon Ireland by Lord Carlingford. He protested against the imposition of those laws in 1871; his voice was drowned in clamour; but he had the satisfaction of recording his vote with the small minority, who opposed them. The nation which was denied the freedom of the Press, was denied the first rudiments of Constitutional Government. Freedom of the Press was as essential to Constitutional Government as the air we breathe was to our existence.

MR. BUTT suggested that the Bill, with the many Amendments which had been made, should now be thrown into a clear, intelligible, and definite shape, so as to form one body of consistent legislation. It could easily be done; and no advantage—he could promise—would be taken of its altered form to re-discuss any portion of the measure.

SIR MICHAEL HICKS - BEACH said, the Amendments made in the Bill had not been numerous. As a matter of course, the Bill would be reprinted with the Amendments; but the suggestion of the hon. and learned Member went a good deal further. It would necessitate the re-committal of the Bill, and was certainly not in accordance with the ordinary practice of the House. He had to thank the Committee for the fair and candid manner in which a protracted discussion had been conducted. He had not complained—and did not now complain—of the mode in which the Irish Members had thought it their duty, as it was their undoubted right, to discuss the provisions of a Bill to which many of them naturally objected. The task which it had been his duty to perform had not only been wearisome, but painful in the extreme, and he fervently trusted that he would never be called upon to repeat it. He had endeavoured to treat every hon. Member who had any Amendment to move with courtesy and

attention, and to deal with the subject in a fair and straightforward manner.

MR. BUTT said, he thought at the end of the Committee he ought to remark that the Irish Members had nothing whatever to complain of as to the manner in which the Chief Secretary had conducted it. He had met them often with great fairness, although at times they might have considered the points he was sustaining were too severe. They had nothing to complain of in the way they had been received by the House, and the manner in which their objections had been met would have some effect in mitigating the effect these coercive measures would have upon the minds of the Irish people. He hoped the House would not take objection to the manner in which the opposition had been conducted. The Bill was unconstitutional, it vitally affected the liberties of the people, and its provisions were multifarious, and had it been applied to England it would not have passed with even so little discussion. He, however, believed it had been discussed fairly, and much as they regretted the re-enactment of these laws it could not be said an ample opportunity had not been given for the consideration of the question.

MR. DISRAELI: I merely, Sir, rise to say that I think this is the best Message of Peace which we have had for a long period.

MR. RONAYNE: I, for one, will not be any party to accept from the English Government chains, however gilded, or however accompanied by courtesy, politeness, or good manners.

MR. BIGGAR: This is not, in my judgment, an occasion on which we ought to bandy compliments. I am not going to blame the House for the want of courtesy shown to myself; but I must protest against a Bill being forced on us unsupported by reason, argument, or common sense.

MR. MITCHELL HENRY said, he did not think that was a proper occasion for bandying compliments. He thought the question was really too serious. He intimated that the Bill would be strongly opposed on the third reading.

*Preamble agreed to.*

*Bill reported; as amended, to be considered upon Monday next, and to be printed. [Bill 154.]*

*Sir Michael Hicks-Beach*

MR. BUTT asked when the Government proposed to take the Report?

SIR MICHAEL HICKS-BEACH said, the Bill should be printed with the Amendments without delay, and the Report would be taken on Monday next.

MR. BUTT intimated that on the Report he should certainly raise again some of the questions which had been decided against him in Committee.

#### SALE OF FOOD AND DRUGS (*re-committed*) BILL—[BILL 83.]

(*Mr. Sclater-Booth, Mr. Clare Read.*)

COMMITTEE. [*Progress 19th April.*]

*Bill considered in Committee.*

#### *Description of Offences.*

Clause 6 (Provision for the sale of compounded articles of food and compounded drugs) amended, and *agreed to*.

Clause 7 (Protection from offences by giving of label.)

MR. A. H. BROWN moved, in page 3, at end, to add—

“Or if he shall supply such article from any box, vessel, package, or other receptacle which is clearly marked in such a way as to signify that the article is mixed, and is so placed that the purchaser of such article may be able to read what is marked thereon.”

His object was to remove the necessity of wrapping up small quantities of an article in a paper marked “mixed,” as that would entail in the case of small sales over the counter a good deal of unnecessary trouble on the seller.

MR. BRISTOWE pointed out that the clause as it stood was very good, and that the Amendment, if adopted, would open the door to fraud.

*Amendment negatived.*

MR. SANDFORD moved, in page 3, line 19, at end to add, “and stating the nature of the mixture,” with a view that purchasers should know what they were buying.

MR. MUNDELLA said, he thought the Amendment would tend to the manufacture of inferior goods.

MR. SCLATER-BOOTH also opposed the Amendment. No information of value would be given by it to the purchaser, who would know nothing as to the quality of the materials used.

*Amendment negatived.*

*Clause agreed to.*

Clause 8 (Prohibition of the abstraction of any part of an article of food before sale, and selling without notice).

MR. HENLEY wished to know whether the clause would relate to the case of flour? Every miller in dressing flour took out of it some of the fine flour. What he wanted to know was, whether that would render him liable to a penalty?

MR. SCLATER-BOOTH said, that this point was provided for by the 5th clause, which enacted that the purchaser was to be furnished with a description of the quality of the flour which he demanded.

Clause agreed to.

*Appointment and Duties of Analysts, and Proceedings to obtain Analysis.*

Clause 9 (Appointment of analysts.)

MR. SANDFORD said, that one of the strongest points which had been made out before the Select Committee was the incompetency of the local analysts. The Bill would not remove this grievance, but would leave it as it was. He contended that in many small boroughs it was impossible to find men possessed of sufficient skill to qualify them as analysts. Why, in certain of the small boroughs the very worst sinners, as far as adulteration was concerned, were the town councillors. ["No, no!"] Hon. Gentlemen might cry "No, no," but he said "Yes, yes." It would conduce both to economy and efficiency if analysts were appointed by the county, and he therefore moved to leave out from "beginning," to "or boroughs," inclusive, in page 4, line 3, and insert—

"In England the magistrates for each county shall, as soon as possible after the passing of this Act, appoint for each county one or more persons possessing competent knowledge, skill, and experience as analysts of all articles of food or drugs sold within such county."

SIR HENRY PEEK protested against any analysts whatsoever being appointed. It had been proved before the Select Committee that there were not a dozen men in England who were fit to be analysts. He had no desire in saying that to screen the mal-practices of the trade, or to throw any obstacle in the way of the Bill; but he was persuaded the latter could best be carried into effect without analysts. There was a

laboratory at Somerset House which would, if it were taken advantage of, answer all the purposes of analyses. All that was there wanted was to strengthen the staff by the addition of three or four men, at about as many hundreds per annum. He said unhesitatingly that analysts had been a complete failure over the whole country. As an instance, he alluded to the recent case of the Northamptonshire widow, who was fined for selling adulterated coffee, but two persons accused of the same offence at the same time, in the same place, and by the same local analyst sent the coffee to London to be analysed, when it was proved to be pure, whereupon the analyst, who, by the way, acted for three counties, merely said he was sorry that his apparatus being out of order he had been led into a mistake.

MR. PEASE said, he could not agree with the proposal to transfer these appointments of analysts from the boroughs to the county magistrates. He thought the former were as capable of judging in the matter as the latter, and hoped the clause would be allowed to stand pretty much in its present form.

MR. SCLATER-BOOTH said, he thought the Committee would not be prepared to accept the Amendment, which would, in the first place, swamp the small boroughs, and then give them an advantage by relieving them from contributions towards the salaries of the analysts. So far as he was aware the boroughs had acted quite as well as the counties, if not better. He could quote cases of boroughs in which the Act was excellently put in force. There was no occasion at present, whatever future experience might prove, for the whole analytical work to devolve upon a central establishment, and the Government was not prepared to assent to such a scheme.

MR. PELL agreed in the opinion that a sufficient body of competent men could not be found from whom to select analysts for the whole of the country. In his own county convictions had been obtained by an analyst, who, on one of the articles of which he complained being sent for examination in London, had been shown to be unfit for his office. Again, in Scotland, a person fined for selling adulterated milk sent the analysis on which he had been convicted to a competent chemist in London, and it was declared to be an accurate description of

unadulterated milk. This was a melancholy state of things. He was a farmer, and would like to have his manure analyzed, but he would not ask a country analyst to analyze it. If he sent it to London, he would be quite satisfied with the analysis of Dr. Hassell. They were authorizing uninformed local authorities to convict upon the statements of men who had received no training for the duties which they had to perform, and there was danger that they would allow magistrates who did not represent the ratepayers to throw upon the rates the enormous expences which these prosecutions would involve.

MR. WYKEHAM MARTIN said, that in the county with which he was connected great care was taken in the appointment of an analyst, and he thought borough magistrates were quite as competent as county magistrates to appoint analysts.

An hon. MEMBER thought the appointment of analysts should be subject to the approval of the Local Government Board, with a view of securing the entire efficiency of the gentlemen appointed.

MR. LYON PLAYFAIR said, there could be no doubt that some incompetent analysts had been appointed, who had produced analyses unfortunate for themselves and for traders. But that was very much the fault of Parliament, which provided no safeguards for the selection of competent men. Even this Bill contained no proper security that the analysts should be competent. It was important that the Local Government Board should lay down rules as to the qualifications to be required, and then both boroughs and counties might be trusted to appoint proper men. But he would say one word for the analysts who had been appointed under all the difficulties of the present system, and suddenly called upon to make analyses without preparation. Before the Adulteration Act was passed Dr. Hassell made 2,000 analyses of articles and found that 76 per cent of them were adulterated. Since the Act was passed 17,000 analyses had been made by the public analyst, and only 26 per cent of the articles were found adulterated, of which 13 were in milk alone. Much as we might lament the ignorance on the part of analysts suddenly called upon, as a whole, the work had been performed

to the satisfaction and for the benefit of the public. He could not support the Amendment of the hon. Gentleman because he thought London and the large boroughs were quite able to find efficient analysts.

MR. HARDCASTLE said, the great object was to secure a really competent analyst. If we had a large number of analysts, it was probable that they would all be very inadequately paid, and probably be inefficient; but if we had one superior analyst appointed for a more extended district, we could afford to pay him well for his work, and thus secure a superior man. Practically, these analysts were placed in the position of Judges, for on their decision, rather than on the decision of magistrates, rested the question whether or not those persons who were accused of adulteration should be subjected to a penalty. Under these circumstances, he felt it his duty to support the Amendment of the hon. Member for Maldon (Mr. Sandford), although at the same time, he thought the City of London was competent to appoint its own analyst.

MR. EVANS said, he hoped that some provision would be introduced to avoid for the future such gross injustice as had been inflicted on those tradesmen who, through the incompetence of analysts, had been groundlessly accused of adulteration. He believed the best course to adopt would be to appoint for the work of analysis a competent authority who would give general satisfaction.

MR. ALDERMAN COTTON observed, that the analyst was all-important in the Bill. He believed that the Analytical Board of Somerset House was all-sufficient for analytical purposes. Although the right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair) might treat the faults of analysts very lightly, their faults might ruin the reputation of innocent tradesmen. He was inclined to think that this discussion would make analysts more careful in the future.

MR. CAWLEY said, it would be inconsistent with previous legislation to leave the appointment of analysts in boroughs with the county magistrates, who would have to go to the large towns and cities for the persons to be appointed. He should vote against the Amendment.

*Mr. Pell*



MR. VILLIERS said, he thought there was a great deal to be said in justification of the Amendment, because it had in view the interests of the community independently of the trader. It appeared that only 24 boroughs out of 171 had appointed analysts; whereas the county magistrates had appointed analysts in 30 cases out of 54. Now, there must be some reasons why the towns and boroughs did not appoint analysts, and if the Committee were really in earnest in preventing the enormous evils of adulteration of food, they should take care that their legislation should be effective, compulsory, and general. At present nothing could be more capricious than the operation of the existing law. It had been two years in operation, yet while in some places the law against adulteration was rigorously enforced, in others no analysts were appointed, and the law became a dead letter. The consequence was, that the unscrupulous traders sent their adulterated goods to the latter places, and enormous injury was inflicted on the community. The analysts had been condemned, but had they had a fair trial? He did not know why it should be said that they had done no good. How could it be said that persons capable of analyzing adulteration were not competent authorities? They did not exist in sufficient numbers at first; but during the last two years a sufficient number of them had come forward. The House ought to remember that wherever analysts had been appointed great public advantage had accrued. Nothing could be more ridiculous than the statements sometimes made in the House that there was now no adulteration of food. Lectures were being delivered in the metropolis which proved that all the evils that ever existed in regard to adulteration were still rampant. It had been stated, indeed, on good authority, that much of the savage ferocity displayed in recent cases of drunken assaults was attributable to the noxious ingredients with which the liquor of the lower classes was adulterated. There never was a time when, on sanitary grounds, an effective measure was more required. For 50 years such an Act had been demanded, and in 1860 an Act was passed, but no analysts were appointed, because the appointment was placed in the hands of those who took care not to appoint them.

The Act of 1872 was passed by something like an accident. The present Bill was, in his mind, no improvement on the Act of 1872, because it would diminish the protection [of the consumer, and offer facilities to the traders who practised adulteration. He hoped that the Committee would receive an assurance that the Bill would not be merely permissive, but that the word "may" in regard to the appointment of an analyst should be changed to "shall appoint an analyst."

MR. SCLATER - BOOTH said, he thought the right hon. Gentleman could have given very little attention to the language of the Bill. The real difficulty was to insist on the appointment of analysts, when they were told that a sufficient number of competent persons could not be found. The Bill, however, extended the facilities for the joint appointment of analysts by boroughs and counties. There was, unfortunately, no School of Analytical Chemistry in this country; but, in a subsequent clause, it would be proposed to refer the analyses in certain cases to the Board of Inland Revenue, the effect of which might be that plenty of competent analysts would be found in a few years. When it was stated that county magistrates might be relied upon to carry out the Act, he would remind the Committee that the magistrates of two midland counties had appointed an analyst who was thoroughly incompetent. There were many difficulties in the way of working the Act in counties, while in several boroughs it was very well worked. The hon. Member for Edinburgh (Mr. Lyon Playfair) had borne testimony to the general diminution of adulteration, and he (Mr. Sclater-Booth) believed that if powers were given to the Inland Revenue still greater improvements might be made.

MR. HENLEY said, he thought it would be very invidious and almost unconstitutional to say that boroughs having quarter sessions which were competent to try criminals were not to be trusted to appoint analysts. It would be invidious to particularize, but he might say that the analysts were not infallible. The country had had accounts in the newspapers of a great mistake committed by one learned man, and of another learned man correcting it. He should be sorry to see any change made in the direction of the Amendment.

Mr. MUNDELLA said that, as a borough Member, he must protest against the appointment of the local analysts being taken out of the hands of the borough authorities. He did not see why such towns as Leeds and Sheffield should not appoint their own analysts. Where were they to get the analysts unless they went to the large towns for them?

SIR WILLIAM FRASER said, he was ready to admit that the case of the City of London was peculiar, and therefore he did not object, so far as the City proper was concerned, to the appointment being vested in the Commissioners of Sewers; but, with respect to the other portion of the metropolis, he objected to the appointment being vested in the local vestries. The ratepayers would not be satisfied with such an arrangement.

Mr. COLE could only say that, as a vestryman, he thought the vestries were the very best possible bodies to be entrusted with the appointment of analysts. The only difficulty was as regarded expense, which disinclined those bodies to appoint analysts at all; but that difficulty would vanish if the appointment were made compulsory, and if that was done, they would take care to appoint the best men who could be obtained.

Mr. SANDFORD did not deny that the large towns would appoint able and competent men, but his object in wishing to vest the appointment in the hands of the county magistrates was to secure economy in spreading the cost over a wider area. He objected to the language of the right hon. Gentleman at the head of the Local Government Board in describing what had fallen from the right hon. Gentleman the Member for Wolverhampton (Mr. Villiers) as irrelevant. That right hon. Gentleman's observations were perfectly relevant, and he would venture to say that he knew more about the subject than the right hon. Gentleman himself. On the whole, he would not trouble the Committee to divide, because he found that, at a subsequent period, some amelioration of the clause might be effected.

Amendment, by leave, *withdrawn*.

Mr. SANDFORD moved the postponement of the clause, expressing his concurrence in the view which had been submitted to the Committee by the hon.

Member for Mid-Surrey (Sir Henry Peek), that it would be more satisfactory that things should be sent up to Somerset House to be analyzed.

Mr. J. W. BARCLAY, in supporting the proposal for the postponement of the clause, gave it as his opinion that it was one of the most important in the Bill. He thought the public generally were of opinion that the analyzing of these things was a much easier process than it really was. He approved of the idea of making Somerset House a final Court of Appeal; but it was to be remembered that there were some articles which would not keep to be sent there, and some special provision might have to be made in regard to them. Among other reasons he had for thinking analyses should be done at Somerset House was this—that there was an impression that the analyses of local chemists depended very much on the interest of the person sending the articles, and, whether it was well or ill-founded, its existence would have a very prejudicial effect on the operation of the Act. If the analyses were made in London they would gain the respect and confidence of the whole community. Another reason he had for supporting this proposal was that hitherto, in Scotland, at all events, local authorities had not shown any disposition to pay such sums of money as would command the services of good analysts.

Mr. CAWLEY said, the postponement of the clause would be equivalent to the postponement of the consideration of the Bill, and if the hon. Member desired to raise the question it ought to be done by a direct and substantive Amendment.

Mr. WHITWELL opposed the Amendment. There was no reason why the counties and boroughs should not combine and appoint an analyst.

Mr. RODWELL said, the clause provided for the appointment of an analyst who resided in London, if one could not be found in the county or borough of competent experience. It appeared to him almost a libel to say that in our large boroughs competent men could not be found. The clause would meet almost every possible case—it was partly permissive, and partly compulsory.

Dr. C. CAMERON said that to refer all the analyses from the country to London would destroy the principle of the Bill. Somerset House had not the means

of undertaking the whole analyses of the country.

MR. SCLATER-BOOTH said, that the clause would carry out with certainty the amendments required in the existing law. He hoped the Committee would not agree to the Amendment. The Government were not prepared to set up a great Government establishment to take charge of the different localities, the expenses of which would have to be defrayed out of the Consolidated Fund.

*Amendment negatived.*

MR. PELL moved, in page 3, line 33, after "borough," to insert—

"Containing, according to the last published census, for the time being, a population of twenty-five thousand and upwards."

MR. SCLATER-BOOTH opposed the Amendment. If the matter was left to the discretion of the local authorities, he did not think that would limit the number of analysts, as anticipated. It was an attempt to restrain the action of the local authorities.

MR. WYKEHAM MARTIN said, the Amendment would preclude the city of Canterbury and the corporate town of Leamington from appointing their own analysts. He thought it would be dealing hardly with towns containing perhaps only 1,000 less in population than the limit proposed that they should be handed over to the discretion of the county bench.

*Amendment negatived.*

MR. LYON PLAYFAIR moved, in page 4, line 3, after "boroughs," to insert—

"Provided that such analysts be not engaged in the trade of buying or selling any article of food or drugs."

Chemists frequently sold articles of food and drink besides drugs. Now, this was objectionable, because it gave them an unfair advantage over their competitors in trade, and was calculated to produce an impression on the traders that they were not fairly dealt with. There was no necessity to have traders any longer as analysts, as a sufficient number of professional chemists could easily be obtained, especially when the Bill gave power to districts to combine.

MR. COLE argued that if chemists and druggists were excluded there would be many localities deprived altogether of the services of an analyst. Persons

selling drugs in country towns were often highly skilled chemists and analysts, and it was often of the greatest importance that an analysis should be made promptly, which could not be done if the thing to be analyzed had to be sent to London.

MR. SCLATER-BOOTH approved of the intention of the Mover of the Amendment, but could not accept the proposal, because local analysts were, of necessity, persons engaged in trade. The Local Government Board always preferred that persons not engaged in the sale of food and drugs should be appointed analysts; but in some very important boroughs most excellent analysts had been appointed who would be disqualified by this Amendment. He believed that, in some cases, the Amendment would operate injuriously.

MR. W. E. FORSTER said, he was sorry that the right hon. Gentleman could not accept the Amendment. It did not seem a reasonable thing to put one tradesman in the position of having to deal with the articles of another tradesman who was his competitor in business. No practical evil could arise from the adoption of the Amendment, considering that there was the power of uniting towns together, and that the supply of professional chemists was much greater now than it was formerly.

MR. LYON PLAYFAIR said, that it was very rarely that persons engaged in manufactures were analysts. What was wanted was professional analysts thoroughly acquainted with chemistry, and he felt so strongly on the point that he must divide the Committee on the subject.

COLONEL BARTTELOT supported the Amendment as an independent Member. It was not right that persons who dealt in particular articles should be called in to analyze them. They should appoint men who were properly qualified to perform the very important duty cast upon them.

MR. WYKEHAM MARTIN pointed out that, in some counties, a medical man in private practice was the analyst.

MR. SCLATER-BOOTH believed that when a sample of an article went to be analyzed it was sent in cipher, without the analyst knowing from whom it was obtained. Those gentlemen who had already been appointed could not well now be disestablished. Although

it might not be a matter on which it could rely, he assured the Committee that he would endeavour to see that proper persons were appointed for those duties.

SIR ANDREW LUSK said, he thought a man should not be a judge in his own case, and therefore he would support the Amendment on that ground.

MR. CAWLEY suggested that the Amendment should be confined to the special trade in which the analyst might be engaged.

MR. SANDFORD also recommended that it should be modified so as only to exclude a man who sold the articles in question within the district for which he was appointed as analyst.

Amendment, by leave, *withdrawn*.

MR. SCLATER - BOOTH said, he would introduce some words on the Report to meet the views of the right hon. Gentleman.

Clause, as amended, *agreed to*.

Clause 10 (Town Council of a borough may engage the analyst of another borough or of the county) *agreed to*.

Clause 11 (Power to purchaser of an article of food to have it analysed).

DR. C. CAMERON moved, in page 4, line 34, after "to," insert "the inspector or inspectors appointed under this Act, or where there is no such inspector to." The object was to ensure secrecy on the part of the analyst.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 12 (Officer named to obtain a sample of food or drug to submit to analyst) *agreed to*.

Clause 13 (Provision for dealing with the sample when purchased).

DR. C. CAMERON moved, in page 5, line 18, after "parts," insert "after it shall have been marked and sealed by the analyst."

MR. SCLATER-BOOTH believed the Amendment entirely unnecessary.

Amendment *negatived*.

Clause *agreed to*.

Clause 14 (Provision where sample is not divided) *agreed to*.

Clause 15 (Provision for sending article to the analyst through the post office) *agreed to*.

*Mr. Sclater-Booth*

Clause 16 (Person refusing to sell any article to any officer liable to penalty).

MR. EARP moved, in page 5, line 38, after "sale," to insert "or on sale by retail on any premises or in any shop or stores."

DR. C. CAMERON moved an Amendment that the penalty of £5, imposed upon a person refusing to give a sample of his goods—known to be adulterated—should be increased to £20.

After a few words from MR. SCLATER-BOOTH, it was agreed to increase the penalty, in case of refusal by the seller to submit his goods for analysis, to £10.

Clause 17 (Form of the certificate) *agreed to*.

Clause 18 (Quarterly report of the analyst).

MR. PELL moved, in page 6, at end of clause, add—

"And every such authority shall annually transmit to the Local Government Board, at such time and in such form as the Board shall direct, a certified copy of the number of articles analyzed, and shall be entitled to receive the sum of five shillings, out of moneys to be provided by Parliament, in respect of every analysis, to be applied towards the expense of executing this Act."

MR. SCLATER-BOOTH accepted the Amendment.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

#### *Proceedings against Offenders.*

Clause 19 (Proceedings against offenders).

SIR MICHAEL HICKS - BEACH moved, in page 6, line 31, leave out from "and" to "same," in line 33, both inclusive, and insert—

"In Ireland such penalties and proceedings shall be recoverable, and may be taken with respect to the police district of Dublin metropolis, subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district, or of the police of such district; and with respect to other parts of Ireland, before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of 'The Petty Sessions (Ireland) Act, 1851,' and any Act amending the same."

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 20 (Certificate of analyst *prima facie* evidence for the prosecution. Analyst to be produced if required. Defendant and his wife may be examined) *agreed to*.



Clause 21 (Power to justices to have articles of food and drugs analysed).

MR. LYON PLAYFAIR said, he had a very important Amendment to move in this clause, on which he had a great deal to say; but at that late hour—a quarter to 1—the matter was too important to be discussed. He therefore moved that the Chairman report Progress.

*Motion agreed to.*

Committee report Progress; to sit again *To-morrow*.

#### SECURITY OF THE PERSON BILL.

LEAVE. FIRST READING.

MR. ASSHETON CROSS, in moving for leave to bring in a Bill for the further security of the persons of Her Majesty's subjects from personal violence, said, it was evident that some further provision was necessary for dealing with cases of brutal assault. With that view he proposed, in some measure, to extend the power given to magistrates with regard to binding over persons guilty of aggravated assaults to keep the peace. It was also proposed to do something in the direction of flogging by giving the power of flogging to Courts of Oyer and Terminer in cases of assault with intent to do grievous bodily harm, if such intent should be found by a jury, and in cases of aggravated assault on women and children, but the number of lashes was to be reduced from 50 to 25.

SIR WILFRID LAWSON said, the right hon. Gentleman must be prepared to expect a determined opposition to that part of the Bill which proposed to inflict the torture of flogging.

*Motion agreed to.*

Bill for the further security of the persons of Her Majesty's subjects from personal violence, ordered to be brought in by Mr. Secretary Cross, Mr. ATTORNEY GENERAL, and Sir HENRY SELWIN-IBBETSON.

Bill presented, and read the first time. [Bill 155.]

House adjourned at a quarter after One o'clock.

#### HOUSE OF LORDS,

*Friday, 7th May, 1875.*

MINUTES.] — *Sat First in Parliament* — The

Earl of Romney, after the death of his Father.

PUBLIC BILLS—*First Reading*—Falsification of Accounts \* (93).

*Second Reading* — Regimental Exchanges (44); Bankruptcy (Scotland) Law Amendment \* (62).

*Committee*—Explosive Substances \* (75-95).

*Committee—Report*—Pier and Harbour Orders Confirmation \* (64); Bishops Resignation Act (1869) Perpetuation \* (74); Bank Holidays Act (1871) Extension and Amendment \* (76); International Copyright \* (73).

*Report*—Saint Paul's Cathedral (Minor Canonries) \* (60); Pacific Islanders Protection \* (88).

*Third Reading*—Supreme Court of Judicature Act (1873) Amendment (No. 2) \* (66); Local Government Board's Provisional Orders Confirmation \* (53); Public Health (Scotland) Provisional Order Confirmation \* (54); Public Entertainments (Hour of Opening) *now* Public Entertainments \* (77); Consolidated Fund (£15,000,000).

#### BOSTON ELECTION.

The Queen's Answer to the Address of Monday the 26th ultimo reported by the Lord Steward.

#### CHAIRMAN OF COMMITTEES.

*Moved* that the Lord Hampton be appointed to take the Chair in the Committees of the Whole House in the absence of the Lord Redesdale: *Agreed to.*

#### PEACE PRESERVATION ACT—CASE OF PATRICK CASEY.

##### PERSONAL EXPLANATION.

EARL SPENCER: My Lords, I must ask the indulgence of the House for a few minutes before the commencement of the Business of the evening. I do so with confidence, because I know your Lordships are in the habit of allowing any Member of the House to correct any statement made in public and which affects his honour in the conduct of public affairs. I noticed in the usual channels of information of last Tuesday a statement which purported to have been made in "another place" by Mr. Mitchell Henry, the hon. Member for the county of Galway, and which, I think, does reflect on me in the manner to which I have just referred. In a discussion on the Peace Preservation Act that hon. Member alluded to the case of a person named Patrick Casey, who, when I was Lord Lieutenant of Ireland, was arrested and detained under an Act

known as the Westmeath Act. Mr. Mitchell Henry is reported to have said that Casey was kept in solitary confinement for several years, that he was cut off from all communication with the outer world, and that it was his belief that Casey had been forgotten by the Government until his case was brought under the notice of the House of Commons. I have thought it right to communicate with the hon. Member, and it appears that, with some slight exception, the reports correctly represent what he said. Now, my Lords, I do not intend to discuss the wisdom of the policy of the Act of Parliament which passed in 1871; but I may say that it threw a very grave and weighty responsibility on the Government of Ireland, and more particularly on the Lord Lieutenant, who is mainly responsible for carrying it out. I endeavoured, when in Ireland, to use the powers which it conferred on me with prudence, justice, and watchfulness; and when exercising them I was in constant communication on the subject with the other Members of the Irish Government. Having said so much on the general question, I shall now endeavour to give your Lordships an accurate statement of the case of Patrick Casey, and then leave it to your Lordships to say whether there was any foundation for the statements made in "another place." First, my Lords, the hon. Member states that the prisoner was kept in solitary confinement for several years. It was wisely provided in 1871 that rules should be laid down as to the manner in which imprisonment under the Act should be carried out, and on referring to these rules, I see that during six hours a day prisoners confined under the Act were to be allowed to join other prisoners. I do not know myself exactly how those rules were carried out; but I do know that while I was in Ireland I made frequent inquiries, and that during nearly the whole of his time the prisoner was in communication with other prisoners. Within the last few months of his release he was the only prisoner charged with the same species of offence in the place where he was confined, and consequently he was in "solitary" confinement. But, my Lords, that is a very different thing from what was stated. I need not say anything as to the alleged statement about the prisoner having been cut off from all connection

*Earl Spencer*

with the outer world, because the hon. Member takes exception to that part of the report; but when I come to the statement that the prisoner had been overlooked until the notice of the House of Commons was directed to his case, I think that a very serious charge against the Government of Ireland, and a particularly serious charge against myself, who was responsible for the Government of Ireland at the time to which allusion was made by the hon. Member. Now, my Lords, the warrant for Casey's arrest was signed on the 8th of December, 1871; he was arrested on the 13th of the same month, and I left Ireland on the 25th of February, 1874. Through the courtesy of the right hon. Gentleman, the present Chief Secretary for Ireland, I have been able to refresh my memory by a reference to official documents. I find that from the 13th of December, 1871, to the 25th of February, 1874, there were eight memorials on behalf of Casey considered by the Irish Government—and I may mention that one of those was addressed to me by the late Mr. John Martin, Member for the county of Meath. I am quite sure, from the honesty and straightforwardness of that Gentleman, that he would have been no party to such a statement as that which has rendered this explanation necessary on my part. Well, there were four special medical reports in the case, and I myself made 14 special Minutes in reference to it when brought under my consideration. On the 1st of January, 1872, application was made for permission for the prisoner to marry, he being then in the prison of Naas; and though the marriage did not come off, the permission for it was accorded. I mention this to show how carefully these cases were kept under view. In a memorial presented in November, 1873, it is stated that the prisoner "had no cause to complain of his treatment." I have further to say that at one time, with my entire approval, the prisoner was removed, by order of the Lords Justices, from Naas to Dublin, in order that he might have additional medical treatment; and in a Minute made by me on the 26th of December, 1873, after stating my decision respecting an application for his release, I added—"If his case is not brought forward by memorial before the 31st of March, let it then be submitted." I may mention that when such an ap-

plication was brought forward it was always my desire, if it could be done with safety, to release the prisoner; but I considered that in this case we could not do so. I hope, my Lords, I have shown there was no justification for the statement made in "another place." I confess, my Lords, that if the statement were well founded, I should have felt unworthy to sit in your Lordships' House, and certainly most unworthy of the trust confided to me by Parliament when it placed in my hands as Lord Lieutenant powers which are inconsistent with the spirit of the English law, and which are to be justified only by the urgent necessity of protecting life in Ireland.

#### REGIMENTAL EXCHANGES BILL.

[NO. 44.] SECOND READING.

(*The Duke of Richmond.*)

Order of the Day for the Second Reading, read.

THE DUKE OF RICHMOND, in moving that the Bill be now read the second time, said: My Lords, I trust your Lordships will not judge of the importance of the measure now submitted to the consideration of the House by the multitude of its details, for in that case it might assume a somewhat miserable character, but I can hardly imagine a measure more interesting to the officers of the Army, and, through them, to the country at large, than the one now before your Lordships. I am happy, however, to think that its advocacy does not call for any elaborate or eloquent address on my part; because, though large as are the interests at stake, the proposition itself, when thoroughly and carefully examined, will be found to resolve itself into so very simple and moderate a one, that I should not be justified in detaining your Lordships at any great length. Now, my Lords, I wish at the outset to state—and I do so with confidence—that what is called the subject of Purchase is by no means attached to or bound up with that of exchanges—the Bill to which I ask your Lordships to give a second reading has no more to do with the re-introduction of Purchase than almost any subject altogether irrespective of Army interests. Purchase was put an end to by the Royal Warrant of 1871. I assure noble Lords that I am not going back to the controversy on that subject; I shall

deal with the abolition of Purchase as an accomplished fact, and not go back either upon that system or the question of the means taken by the late Government to put an end to it. What has been done I accept as an accomplished fact, and I do not wish to re-open that part of the question. I allude to the subject only to give myself the opportunity of stating that Purchase and Exchange are two different things. Under the system of Purchase an officer bought the steps by which he advanced himself in the Army. Under the system of Exchange the officer exchanges from one regiment into another; but he rather loses than gains, because, by means of an exchange, he loses the seniority he holds in the regiment he is leaving. I confess I was somewhat astonished to find that some persons have objected to exchange on the ground that it has a tendency to re-establish the Purchase system, inasmuch as it gives occasion to the payment of a bonus. It is argued that the officer who exchanges out of one regiment into another derives an advantage for which he would be willing to pay, and that under such a system the junior officers might bribe a senior officer to exchange into another regiment, that those remaining behind might benefit by the step so taken. Those who advance that argument—and it has been advanced more than once in "another place," and perhaps will be advanced here to-night, though I do not expect that the noble Viscount the late Secretary for War will advance it, because he knows that it is unsound, can scarcely be aware of the true nature of exchanges. Suppose a man is a senior captain in a regiment, it is highly improbable that he would be induced by a bonus to retire from a position he had been endeavouring to attain for many years, because not only would he not obtain in the regiment to which he exchanged the position he occupied in the one he had left, but he would find himself in his new regiment at the feet of some 10 or 20 captains who in that regiment would be his seniors. Therefore I say that, even supposing the payment of a bonus were possible in accordance with the regulations of the military authorities, I say that on the face of it the arrangement would be so extraordinary that men would not be found to enter into it,—it would naturally arrest the attention of the authorities, and pro-

voke inquiry. There is, therefore, really nothing of Purchase in the proposition before your Lordships. I hope it is not necessary to assure your Lordships that my right hon. Friend the Secretary for War has no desire to bring back the system of Purchase—did he do so, he is far too straightforward and honourable a man to attempt it by an indirect and underhand course—he would have proposed it in a straightforward and open manner, in a way that would afford Parliament an opportunity of expressing a direct opinion on the proposal.

It may now, my Lords, be convenient that I should state the way in which Purchase and Exchange were carried out up to the time when the Royal Warrant of 1871 was issued. By a statute of Edward VI. the purchase and sale of offices were rendered illegal, except in the case of commissions in the Army. The Act 49 of George III. extended that statute to military commissions, unless the prices paid were such as had been laid down by regulation. With regard to exchanges the same rules did not prevail—the regulation prices for Purchase had been fixed, but there were no regulations laid down for exchanges, and up to the issuing of the Warrant of 1871 payment on exchanges were illegal. But when Purchase was abolished the noble Viscount (Viscount Cardwell) who was then Secretary for War, found that it was necessary to legalize and authorize a system of exchanges, and he did so under certain regulations into the details of which I must ask your Lordships to follow me. I have to apologize to the noble Viscount for having to allude to him so often, but circumstances render it necessary that I should do so. The noble Viscount, I think, very wisely admitted that a system of exchanges was necessary for an Army portions of which are sent to our Colonial possessions and to India—an Army which finds itself scattered in so many different parts of the globe. I cannot think that any of your Lordships fail to thoroughly understand and appreciate the necessity of allowing a system of exchanges in such an Army; and I was astonished to find that in “another place” a right hon. Gentleman had expressed surprise that such a system was allowed, basing that surprise on the fact that such a system would not be permitted in any other profession. The right hon. Gentle-

man (Mr. Lowe) gave an illustration to show how it would work in another profession, but I cannot help thinking that his illustration was neither appropriate nor happy. He said—“What would be thought if a Judge in the Court of Common Pleas, finding himself overworked, wished to exchange with a Judge in the Exchequer, and if the Lord Chancellor—who holds a position in the law analogous to that occupied in the Army by the illustrious Duke the Commander-in-Chief—sanctioned an arrangement by which that exchange was brought about.” The cases are not at all similar. To put them on all fours with one another you must imagine that the Lord Chancellor, as legal Commander-in-Chief, had the power to order the Judge of the Common Pleas off to Gibraltar within a month, from which, after some time of good service, he is sent to the Cape, from which, after an efficient administration of the law, he is told he is wanted to proceed to Madras, from which, after a period of judicial labour, he is requested to proceed to Australia, with an intimation that he will be expected to dispense law and justice in China, and, perhaps, the West Indies before his return home. Now, that would be something like the course of duty which an officer in the Army may be called upon to perform; and if the typical Judge of the Common Pleas could be called on to go round the world in that way, the surprise of his exchange with another Judge being sanctioned by the noble and learned Lord on the Woolsack might not be so great as was suggested in “another place.” I think we should not see on the Bench all those eminent persons who now occupy that position, and that those who are there would be quite as clamorous for a system of exchanges as are now the officers of the Army. Then, my Lords, consider the benefit the country has received in the service from the existence of liberty to exchange. Remember how many distinguished officers have by it been enabled to gain a reputation in India, and render the greatest service to their Queen and country. I allude to such officers as Sir Henry Havelock and others whose career would have been lost to themselves and their country had they not been able to remain in India at a time when it would have been inconvenient for them to return home.

*The Duke of Richmond*



Indeed, I think it is admitted by all military authorities, as well as by the late Secretary for War, that such a system is absolutely necessary as well for the interest of the country at large as for those of the Army, if the two interests are not absolutely identical. When military and naval subjects are being discussed in Parliament we are accustomed to hear frequent references to what is being done in other countries. It was so in the discussion on guns the other night, when we were told that we must go on, however tentatively, in the direction of the adoption of breech-loaders, because France and other countries had adopted them. But, my Lords, take up the French military newspapers and what will you perceive? Why, that they are full of advertizements of proposed exchanges; and I am informed that in the case of exchanges in the French Army, the only requirement is the sanction of the two commanding officers of the respective regiments. The only condition annexed in addition to that requirement is that no money whatever shall be required from the State.

Now, my Lords, having, as I hope, established the first point—namely, that exchange is necessary, I shall now endeavour to establish the second—namely, that money must be allowed to pass. And here, again, I find the noble Viscount the late Secretary for War assenting to the proposition of the Government, for he not only admits that exchanges must be allowed, but that money must pass, though only in a limited manner. I think, however, that I shall show it is not desirable money should pass in the way proposed by the noble Viscount. He allows of the Exchange, but he will only allow money to pass to the extent necessary to provide for an outfit. I shall name to your Lordships the items which, under the noble Viscount's Regulation, are allowed to be paid by an officer exchanging with another for the convenience of the richer man. The poorer man sends in to the Military Secretary expenses of which the following may be regarded as example:—First, there are mess and band subscriptions; next, there is change of ordinary uniform—the amount of that the tailor might determine; and it would not be difficult to arrive at the amount to be paid for the passage of the officer. Next to that comes passage of officer's

wife, and after that passage of his children. Well, these expenses it may not be difficult for the Military Secretary to estimate. But when we come to item No. 6, we find it to be "expenses and passage of female servants." I think it is trenching somewhat upon the duties of a distinguished officer like Sir Alexander Horsford, or any other Military Secretary, to cast upon him the duty of deciding how many female servants are to accompany a gentleman's family—he cannot tell what may be their requirements, and he may have to inquire in such a case whether the lady's maid is to do duty as nursery maid also during the voyage. These are duties which the Military Secretary ought not to be called upon to undertake; but next comes a still more embarrassing item for a Military Secretary, "Outfit for wife and children." How in the name of wonder is the Military Secretary to say what is a proper outfit for a lady and her family, whom he may never have had the good fortune to set eyes upon, whose habits he knows nothing about, and of whose belongings he is perfectly ignorant? It is next to impossible for him to come to a satisfactory conclusion on the point—more especially as the value of the outfit varies from £30 to £100. How, I ask, can distinguished officers be expected to be judges of the quality of underclothing a lady should take out, or the number of frocks the children will need? I pass over item No. 8—"Hotel expenses for officers," and come to No. 9—the final one. This is "Baggage expenses." Is the number of trunks and portmanteaus for the officer, his wife, children, and servants all to be considered by the Military Secretary? Manifestly, there will be inequality in such a system, because unmarried officers will gain advantages which married officers with families cannot derive from it. My Lords, if you have an open exchange, untouched and unembarrassed by calculations such as those to which I have been referring, the arrangement will be of a nature satisfactory to all parties. The principle of this Bill is—first, that exchange should be allowed; secondly, that it ought to be open and unlimited. A Commission was appointed by the late Government to inquire into the Memorials and Petitions of a number of Officers praying Her Majesty for relief from Grievances of which they com-

plained. That Commission took a great deal of evidence, and, if I may be allowed to say so, most valuable evidence was given by the illustrious Duke who commands-in-chief Her Majesty's Army. I think I cannot do better than quote a portion of this, commencing with Question 157 :—

“Your Royal Highness is aware of the practice of exchanging on the part of officers from one corps to another?—Yes.

“Under certain restrictions for the benefit of discipline, they were freely allowed by your Royal Highness to do so?—Certainly.

“And by your Royal Highness's predecessors?—Certainly.

“It was considered advantageous to the public service to allow those exchanges?—They were most beneficial to the public service.

“No question was asked as to what sum of money passed in consideration of the exchange?—None whatever.

“It was perfectly well known to your Royal Highness and your predecessors, and generally to the authorities, that money did pass for those exchanges?—I have no doubt of it.

“And no inconvenience, but, on the contrary, benefit arose to the public service from that system?—Certainly. No exchange took place without my authority, and if I did not consider it of advantage to the public service, or just to the officers in each regiment concerned, I would not allow it. I never asked any questions, of course, as to the money, but I judged of each case entirely on its merits. If afterwards money passed, that of course was no concern of mine.

“Your Royal Highness had the perfect power of controlling it to any extent you thought proper?—Yes; it was entirely in my option to allow it, or not.

“I believe that when an exchange of that sort took place each officer went to the bottom of the list of his new regiment?—He went to the bottom of his rank; that was invariably the case.

“The benefit of the service was the first consideration?—That, of course, was the first consideration; but I think that the public service would have been injured if any discontent had been caused by allowing a very junior officer to be put over the head of a senior in the junior rank.”

Those are the opinions of the illustrious Duke, and I think it goes to show your Lordships that a well-regulated system of exchange is of great advantage to the public service. We hold, then, that no account of the money that passes should be taken by the military authorities, who should decide on the proposed exchange principally on its merits as regards the Army and the public. The next quotation I shall make is from the evidence given before the Commission by Sir Richard Airey, whose authority on the subject will be recognized by noble Lords who are not connected with the Army,

*The Duke of Richmond*

and still more by noble Lords who are members of the military profession—

“With regard to the practice of exchanges, His Royal Highness has stated that no inconvenience arose to the public service from the freely-permitted practice of exchanges from one corps to another, but that, on the contrary, there was an advantage to the public service, and a considerable benefit to the individual officers concerned; is that your opinion?—In my opinion it was of very great advantage to the service. Putting the question of the convenience of officers out of consideration, although I believe that that is an element in the matter, the great question is the efficiency of the service, and I think that it was of very great advantage. A good officer from particular circumstances was perhaps obliged to be in England; he could not be in England except by exchange into a regiment at home, and it was allowed without any question of what mutual arrangement took place between the individuals.

“And very often to poor officers the sum received was of very great benefit?—It was of very great advantage to them.”

I could make elaborate quotations to the same effect; but I shall not detain your Lordships by doing so, because the Blue Book containing it is before your Lordships—I may, however, quote from the recommendations of the Commission, and I think I may assume that the Royal Commissioners were honest and impartial men: and I do the noble Viscount opposite the credit of believing that he would not have named them for appointment by Her Majesty if he did not regard them as men competent to deal with and come to a decision on the questions referred to them. The Commissioners say—

“It has been repeatedly and forcibly urged upon us that the prohibition of paying and receiving money for exchanges, between Officers on full pay, is a serious hardship to some and a serious loss to others. It does appear to us that the complaint is a legitimate one. The new rule has obviously proceeded from an apprehension that to allow any pecuniary bargaining between Officers in respect of their commissions might be as a letting out of the waters, bringing back bonuses, over-regulation prices, and the other incidents of the abolished system. We are not satisfied that there is any real danger of this, and we are satisfied upon the evidence before us that a return to the old practice as to exchanges would be very acceptable to the Army. There are many good Officers of slender means who would be willing to serve in India or elsewhere for a consideration, and there are many good Officers more blessed with the world's goods who, for family or other reasons, or under medical advice, would be willing to give such a consideration. The exchange is an unmixed benefit to both, and would probably be a benefit, and certainly would not be detrimental to the service. It ought only to be effected with the sanction and under the control of the authorities, and

on such conditions as to insure that nobody else is superseded or affected. These are the substantial grounds of this complaint which appear to us to be well founded, and we do not hesitate to recommend that the above-named prohibition should be removed."

If I were to speak for a week, I could not put the case for the Bill stronger than it is put in that passage of the Report of the Royal Commission:—and I would beg of those who object to exchanges under such a system as we propose to remember that the advocates of the abolition of Purchase recommended it on this among other grounds—that it would be for the advantage of poor officers. But, my Lords, having a great respect for those who comprised the Royal Commission, I am bound to notice something that has been said "elsewhere." It has been urged against the recommendation of the Commissioners that as to this part of their Report the Commissioners had failed *ultra vires*, and that the subject of exchanges was one with which the Commissioners were not competent to deal. I do not know that this objection will be taken in your Lordships' House; but as it was taken "elsewhere" by one who occupies a high position and is entitled to great respect, I think it necessary to notice it. Now, my Lords, the Royal Commissioners were Lord Justice James, the noble and learned Lord opposite (Lord Penzance), and, though last not least, my right hon. Friend the First Lord of the Admiralty. Your Lordships will perceive that the objection to which I have just alluded involves the supposition that these three Commissioners did not understand the terms of the Reference in the Commission which was laid before them and under which they were appointed. As for myself, I should be content to take the opinion of any one of them as to the nature of that Reference; but it would appear that all three agreed in thinking that the terms of the Reference enabled them to consider the question of exchanges. Now, let us look at the terms of the Reference—

"Whereas by our Royal Warrant, dated the 20th day of July 1871, We were pleased to cancel and determine all regulations made by Us or any of our Royal Predecessors or any Officers acting under our authority, regulating or fixing the prices at which any commissions in our Forces might be bought, sold, or exchanged . . . And We do give and grant to you or to any two of you full power and authority to call before you such persons as you may deem necessary, and to obtain information from

them upon the subjects of your inquiry, and of every matter connected therewith, and also to call for, have access to, and examine all such official books, documents, papers, and records as may appear to you, or to any two of you, likely to be of use in affording you the fullest information."

Your Lordships will have perceived that by the first part of the reference the matters to be discussed are "commissions in our Forces which might be bought, sold, or exchanged;" and that by the second part full powers are granted to any two of the Commissioners to do the acts mentioned in that portion of the Reference. I cannot think that this of itself would be sufficient to dispose of the objection that when the Commissioners dealt with the subject of exchanges their action was *ultra vires*: but when I look at a certain correspondence I find that the noble Viscount himself admits the power of the Commissioners to deal with the subject of exchanges, because in a reply to the Commissioners which Major Vivian wrote by the authority of the noble Viscount there is this passage:—

"There were doubtless many instances in which exchange being the subject of a pecuniary transaction was a gain to one of the officers concerned at the expense of the other. The extent to which exchanges have obtained in the purchase corps during the last ten years is shown in the table marked (G). Evidence, however, can be given by the Army Purchase Commissioners that the present rule, which admits of the actual expense being paid by one of the parties for the other, does not operate in all cases to reduce the amount which would have been paid under the former system. The object of the new rule is to render the practice conformable to the law (49 Geo. III., c. 126), as well as compatible with the reasonable requirements of personal convenience. How far it has accomplished the latter object will appear also from the Return G. In connection with this subject it may be observed that under the new system of linked battalions when it shall have come into full operation, a great facility and advantage in respect of exchange will be given, inasmuch as an officer abroad will be able to exchange with an officer of the same brigade at home without loss of position on the list."

That shows the noble Viscount was perfectly well aware that the Royal Commissioners were dealing with the subject of exchanges and that he did not object to their doing so. I think, therefore, the noble Viscount will not adopt the objection raised "elsewhere," that the Commissioners were acting *ultra vires*. But there is the other objection, which struck me as extraordinary—namely, that though the Royal Commissioners



were perfectly competent to deal with the legal parts of the question—two of them being very eminent lawyers, and the third being a Chairman of Quarter Sessions—they were perfectly incompetent to deal with the future of the Army. It was said in support of that objection that we could not leave the future of the Army to two lawyers and a country gentleman. If that objection is to prevail, I am afraid that the Army under the late Government must have been in a most lamentable condition, and I am afraid that, under the present Government, it is in even a worse condition. If I mistake not, at the head of the Army, as Secretary for War in the late Government, was a lawyer and country gentleman; at the head of the Army, as Secretary for War in the present Government, is a lawyer and country gentleman. I believe we do not in this country think the worse of heads of the War Department because they may happen to be lawyers and country gentlemen, and therefore I think the objection urged to the competency of the Commission is of a shadowy, and I may add flimsy, character.

I would ask your Lordships to give this Bill a second reading on its own merits. Its object is to enable the military authorities to deal with exchanges in a manner wholly irrespective of pecuniary arrangements, and to legalize what, up to 1871, was illegal—though it had long been tacitly recognized—namely, exchanges except based on regulations. My Lords, I may be permitted, with all deference, to say that many of those who have talked so strongly against permitting exchanges really know nothing about it—they know neither the manner of exchanges nor the way in which they are managed. Many people, I believe, imagine that when two officers desire to exchange, all they have to do is to go together to the illustrious Duke and say—“Will your Royal Highness have the goodness to have the necessary papers made out?” But the process is a very different one. Some reason must be assigned. I have told your Lordships what the form is in France. What is it in this country? Two officers wishing to exchange, first of all get the assent of their commanding officers; that, with the application, is forwarded to the military authorities by the General commanding the district. After most minute

and searching inquiries by the Military Secretary and the Assistant Military Secretary as to the views and feelings of the officers wishing to exchange, and the effect of the exchange, if allowed, on the Service generally, the matter comes before the illustrious Duke, who by no means grants the exchange as a matter of course. I believe I am correct in saying that frequently His Royal Highness has refused to sanction an exchange because he was not satisfied that it was for the interests of the Service. It is, therefore, a great mistake to suppose that an exchange is an arrangement which can be made off-hand and without inquiry. I submit the question resolves itself into a feeling of confidence, or want of confidence, in the military authorities—I include the Secretary for War and the illustrious Duke, the Commander-in-Chief. If they are not fit for the duty which devolves on them in the matter of exchanges, the sooner we have a War Secretary and a Commander-in-Chief in whom the country will have confidence the better. But you have imposed a most disagreeable, invidious, and onerous duty on the illustrious Duke in throwing upon him the duty of selection. If he be fit to undertake the duty of selection, he is fit to undertake the duty which this Bill will impose on him in reference to exchanges. But if he be not, then, with all respect and reverence, I say, in the presence of the illustrious Duke himself, that the sooner we have some one else at the head of the Army the better.

My Lords, in conclusion, I move that your Lordships read this Bill a second time. I believe that in doing so you will do an act of justice and one of sound policy, because you will be stamping with your approval a measure which, while fostering a spirit of loyal content in the Army, will, at the same time, promote the interests of the nation at large.

*Moved*, “That the Bill be now read 2<sup>d</sup>.”  
—(*The Duke of Richmond*.)

VISCOUNT CARDWELL: My Lords, this is a measure which has been recommended to your Lordships by the Crown, which has been approved by a great majority in the House of Commons, and the noble Duke, the Lord President, also has stated that it will be acceptable to a large portion of the Army. I do not

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doubt it; though I know that many officers of the highest standing are not in its favour; and it would have been a source of great pleasure to me had I felt that I could join in passing a measure which would be acceptable to so large a class of officers. But I feel it to be my duty to give your Lordships this opportunity, before we are committed to the second reading of the Bill, to consider what appear to me to be strong and important objections to it. The noble Duke has said that the proposals in this Bill are recommended in the Report of a Royal Commission appointed by the Government of which I had the honour to be a member. I should not have noticed that fact but for the reference made to it by the noble Duke; but if after that reference I left it unnoticed, the supposition might arise that the late Government were in some degree parties to the recommendation of the Royal Commissioners. The noble Duke has referred to the high position of the three eminent personages who composed the Commission. Now, no man can speak more highly than I am prepared to do of those eminent persons—the late Government were extremely gratified that they undertook the duties of the Commission—we had entire confidence in their qualifications, especially for a Commission of a judicial character; but we did not at all compromise ourselves. It never entered into our minds that we were referring to them any other question than that of the grievances of which the officers were complaining, and the compensation, if any, to be given for those grievances; nor in the Order of Reference did we put any other question than this—

“Whether any of the grievances alleged by the officers in their memorials are such as should be compensated in the manner hereinbefore mentioned as falling within the principle of the Act 34 and 35 years of our reign, chapter 86, though not expressly included by the words thereof.”

My Lords, I think no words could be found more calculated to exclude any question with regard to the future policy of the Army, and to include only the grievances of officers and their claims to compensation. The noble Duke also referred to a letter written by my direction, and signed by Mr. Vivian, to be found in the Appendix to the Report. I cer-

tainly answered the question put to me by the Royal Commission, because I considered it was within their power to consider the effect of the abolition of the sale of exchanges on the question of compensation; and though I cannot at this moment put my finger on the passage in the Evidence, I think the noble Duke will have no difficulty in doing so; and he will find that the first time the system of exchange was referred to, the President of the Commission said that the question was scarcely before them. But I readily admit any one of the three gentlemen was quite as competent as I could be to be placed in the situation of Secretary for War, and I never stated that they were not competent to consider military questions, if military questions were referred to them; but when it is said that this subject was referred to them I quote the Order of Reference, and I venture to say it was not referred to them. The reason, my Lords, why I object to exchanges is not that they are illegal, for when Purchase was abolished we did that which was never done before—we established regulations to make exchanges legal. I do not now speak from official statistics, but I am told we were not altogether unsuccessful. I saw a letter from Colonel Loyd Lindsay in *The Times* the other day, in which he says that exchanges in the Royal Artillery have increased 50 per cent under the operation of the new Rules. The new Rules, therefore, have not been unfavourable to exchanges in the Artillery. But why have they increased in the Royal Artillery when they have not increased in the battalions of the Line? I can only conjecture the reason; but my conjecture is this—that the Artillery being one regiment, exchanges have no effect upon promotion, but are resorted to only for the purpose of health and convenience; whereas in the battalions of the Line exchanges were very largely ancillary to promotion by Purchase, and now Purchase is abolished it was natural that exchanges in the battalions of the Line should diminish in number while exchanges in the Artillery went on increasing. As I say, we have never objected to the system of exchanges when made for reasonable objects of health and of convenience. What we did was this—we agreed that in an Army situated like ours, and called upon

to serve in the most distant parts of the world, it is desirable and necessary that there should be a reasonable system of exchanges, and we were not indifferent to that subject; but in 1871 we believed—and I think the country believed—that we had, by the payment of a great sum of money, got rid once and for all of the interference of private pecuniary transactions for the purpose of profit in the affairs of Her Majesty's Army; and what we object to now is, not that there should be exchanges with every convenience for officers, but that there should be the passing of money and a profit made by those exchanges. The Royal Commission of 1857 remarked that it was not surprising that pecuniary transactions should prevail in the Army at a time when places in civil life were the subjects of Purchase: but it will, I think, hereafter be a matter of surprise that when purchase had been utterly abolished, not only in civil life, but even in the Army itself, the Acts of George III. and even of Edward VI. should have been repealed, and for the first time in our history a special invitation have been given by Parliament to a traffic in exchanges. I cannot see why it should be requisite to give a pecuniary stimulus to the officers of the Army which is not asked for in any branch of the Civil Service, which would not be endured in the Navy, and which no one was ever heard to propose for the non-commissioned officer or private soldier. But what are we doing now? This Bill consists of only 24 lines; but it repeals, as far as regimental exchanges are concerned, the Act of 1809, which was passed after so much difficulty and controversy, which was intended to put an end to irregular pecuniary transactions in the Army; but, more than that, it goes back to the Act of Edward VI. and repeals it as far as regimental exchanges are concerned. The noble Lord near me (Lord Cottesloe) has for 30 years been Chairman of the Customs. During that period he had many exchanges to sanction. Did he ever hear of its being proposed that those exchanges should be the subject of pecuniary consideration? On the contrary, he will tell you that everybody coming to him for his sanction of exchange had to make a declaration that no money had passed. When a gentleman has given what the Royal Commission call a "consideration" he is very apt to imagine

*Viscount Cardwell*

that he is possessed of a property in that for which he has given a consideration; but I do not think that it will tend to facilitate business in the War Office if so large a number of exchanges and for such large sums of money should be effected under this Bill as we find in page 175 of this Appendix. When an officer has been permitted to obtain an exchange for a large sum of money, under the sanction of an Act of Parliament, and the authorities know that he has done so, it is impossible that his services can remain at the disposal of the Crown as freely as they ought—as freely as they would if no such payment had been made. It is argued, indeed, that they will, and so they will in law; but so they will not in fact: they ought not, and they cannot, so long as human nature continues what it is—so long as genial and kindly men continue to administer the affairs of the Army. Is there any necessity for a pecuniary stimulus to be given to exchanges? There are many volumes of Blue Books on the subject, and they are full of evidence on this point. First the Duke of Wellington, next Lord Hardinge, and then the illustrious Duke—they all discourage a great number of exchanges. In every discussion which has ever taken place on the subject of the Army, how great has been the stress which has been laid upon the excellence and importance of the regimental system. In the evidence of 1857, the noble Duke who sits behind me (the Duke of Somerset) asked the illustrious Duke whether, with reference to the regimental system and to the maintenance of the *esprit de corps*, he thought it desirable to encourage numerous exchanges; and the answer of the illustrious Duke was that it was not desirable. The rule laid down by the Duke of Wellington and by Lord Hardinge was this—to allow no one to exchange when his regiment was ordered on foreign service; and the illustrious Duke said that he had walked in their footsteps in this respect. Is it, then, desirable that when a regiment has reached its station, individual officers should be encouraged to return? Your Lordships will remember the statement by Lord Clyde. That distinguished soldier told the Royal Commission of 1857—

"I had one of the nicest corps of officers, when I was ordered out to China. All those men embarked with their regiment; but as

soon as that service was over, and they had to remain in a climate like that of China, most of them immediately exchanged, and I lost all my young friends whom I so much loved."

Lord Clyde drew the moral of that state of things; he said—

"There is no sacrifice too great for the State to make to those men who will remain with their regiments, in every colony, and above all in India. . . . to continue with the soldiers, to share their difficulties, to remain with them, to encourage them when sick, and to fight with them, when they are required to do so. I do not think that any sacrifice would be too great on the part of the State to effect that object."

If such be the policy of the country and of the regimental system, of which we have heard so much, then I ask, what is this Bill? It is not unimportant, repealing the Act of George III. and repealing the Act of Edward VI., and creating pecuniary inducements in order to make officers more ready to leave their regiments, to impair the regimental system, and to frustrate the policy which Lord Clyde said it would be worth any sacrifice for the country to promote. The noble Duke (the Duke of Richmond) referred to that illustrious soldier, Sir Henry Havelock. Well, the result of the old system was that Sir Henry Havelock spent all his life in India. Is it a good thing that there should be one set of officers who spend all their lives in India, and another set who spend all their lives in the comforts and luxuries of London? Would it be a reassuring thing, if you suddenly found yourselves obliged to face a foreign enemy, to have to call home the Havelocks from India because your officers at home had not the advantage of Indian and Colonial service? It may be one of our inconveniences with respect to the Army that we should have some 60,000 men in India and between 20,000 and 30,000 in the British Colonies; but what is our consolation? It is that in time of peace these men obtain an experience which would be denied them at home, and that in time of war we have always officers and men on whose practised skill we can rely. But when you change your system—when you have half your officers constantly in India and another half constantly at home—you will lose that advantage. Then there is another consideration—one set of officers will be rich and the other class poor. In every society we have poor and we have rich; but it is always our duty to minimize that

distinction as far as we possibly can. The Army is not for the rich and the Army is not for the poor; it is for those who, whether rich or poor, have zeal to serve their Queen and country and to discharge the duties that the Service may impose upon them. But this Bill has this defect—it tends to distinguish the rich from the poor; it is unduly favourable not to the poor but to the rich officer. I will tell you why it is not likely to be favourable to the poor man serving in India. The poor man serving in India, and finding himself or his wife overcome by the climate, has, under the present regulations, a fair chance of obtaining an exchange upon paying the limited sum allowed; but when this Bill passes an exchange will become the property of the person who can open his purse widest, while the poor man who may be sick or who may have a sick wife will have no chance of obtaining an exchange as long as there is a richer man in the country desirous of coming home. The consequence will be that you will have the poor man always in a disagreeable climate and the rich man always at home. My Lords, the advantage pointed out by the Royal Commission is nothing but "the consideration" of which they speak. I demur altogether to that question of "consideration," where the inconveniences of the Service will go to one class of men and the advantages to another. And this I say, that the argument that the poor officer cannot live upon his pay is not an argument that ought to be heard from the Crown or accepted by Parliament. It is the business of the Treasury of this country so to pay our officers that every man can live upon his pay. [*Laughter.*] Noble Lords may laugh; but I do not say this because I have ceased to be charged with the burdens of office. At all events, something was done towards that end by saving the officer the interest of his purchase money. And this besides was done. So long as the Purchase system was in existence, you had always an answer to applications for increased pay and advantages to officers. Suppose I had asked the Chancellor of the Exchequer to increase the pay or allowances of officers, his answer would have been—"Do you suppose I am going to part with public money for the purpose of increasing the over-regulation 'value of officers' com-

missions?" We took away that argument from the Chancellor of the Exchequer by the abolition of Purchase, and I advise you not to give him by this Bill another argument, and if, at any time, you consider that you have a claim upon the Treasury for any increase of pay or allowances, enable him to say—"Parliament has taken the matter into its own hands, and has given a mode by which the poor officers may obtain money out of the pockets of the rich." My noble Friend has given me credit by anticipation for not raising in this debate the question of Purchase. I am sorry that I feel compelled to disappoint the hopes of the noble Duke. I should be extremely sorry by any oversight to fall into any argument which would be unfair or could not be properly sustained; but perhaps I may be able to elicit from the noble Duke some information which may show me that I am entirely mistaken in the view that I have hitherto taken of this subject. I understand that the first justification of this Bill, as stated by the Secretary of State for War in the House of Commons, was expressed in these words—"A man may be dissatisfied with the battalion to which he is posted." If that is so, I presume this Bill will find him the power to give his money in order to be transferred to a battalion which he does like. If that be so, what price is to be paid for the exchange? I presume he will pay the price of the better battalion which may be in the market. I do not suppose that there will be any regulations by which the left hand will take back what the right hand has given, and therefore everybody will be encouraged to make these exchanges. If that be so, I do not understand how it can be said that these exchanges have nothing to do with Purchase. It is true that they will have nothing to do with Purchase in reference to entering the Army. The mode in which young men can obtain access to the Army at present is either by competition in examination or in consequence of service in the Militia. But that is entrance to the Army. It does not give the right to a Commission in any particular battalion. When they are posted to a battalion, it is either to the Guards, by the selection of a colonel of the Guards, or by the appointment of the illustrious Duke, if it is to a battalion of the Line.

*Viscount Cardwell*

Do I understand that any young man who does not like the battalion to which he has been posted may, if he chooses, negotiate with one appointed to a battalion of the Guards, or any favourite battalion of the Line, and make an exchange? If so, then every commission given by a colonel of the Guards, and every commission in a more favoured regiment, given by the illustrious Duke, will become a saleable commission, and bear its market price. Then the noble Duke says that it is impossible that there should be a purse made up for the purpose of inducing senior officers to exchange to another battalion. Why is it impossible? At first sight it would appear to be not impossible, but inevitable. It is true that promotion depends upon selection; but selection pays a due regard to seniority on the regimental list. Advancement on the list will always be of money's worth. But this, I understand, is to be provided against by regulations, and by a declaration. I do not at all dispute the value of regulations or the value of declarations, and I should be the last person to attribute to anyone that he would forfeit his honour and make a false declaration. But I think it is not very wise legislation to put the temptation in the way. I think it an impolitic measure to create this strong temptation, and then to rely upon strong declarations to counteract it. It has not been our experience that strong declarations have been effectual safeguards against strong temptations. When I first entered the House of Commons we had to produce our qualifications; but it was found many of them were not worth the paper on which they were written, and it is to the honour of a Conservative Government that they abolished them. We are at this moment occupied in passing a Bill for the prevention of simony in the Church, which would not be necessary if the declarations of clergymen, or of the patrons of livings could prevent it. And in regard to the Army, nothing could be stronger than the General Order by which in 1783 over-regulation payments were forbidden, or the declarations by which the honour of the officer and the gentleman was pledged for the observance of that General Order. These declarations proved to be of no effect whatever. In 1824 they were discussed by the House of Commons, which thought



it was extremely hard that officers should first be exposed to strong temptation, and then be subjected to stringent declarations to prevent the temptation taking effect. What was the result? Did the House of Commons enforce the observance of these declarations? Quite the contrary. It abolished the declarations, and left the practice where it was. I hope I shall not be misunderstood as implying for a moment that anybody will make a false declaration; but I say it is very doubtful policy to adopt a system which shall afford strong temptations, and have no other safeguard than stringent declarations. It is said we have another protection—we shall have the greatest possible vigilance on the part of the military authorities. I believe this will be so; but we know that the military authorities, like everybody else in civil administration, are subject to this difficulty—that they cannot know a thing at all unless they know it officially; they may be almost certain that a particular thing exists; but unless they have full and official information they cannot act—they cannot refuse what on the face of it appears a fair and reasonable request because they have some suspicion or have been told something privately. When they had conceded a point as to which they had no adverse information, another officer will come next day and ask for the privilege conceded to his predecessor. Perhaps there may be almost a certainty that there is something wrong, but nothing can be done without official information. Thus each of these acts is a precedent for a future occasion; a body of precedents is piled up until a general rule is established, and so evils creep into systems—*Parva metu primo*. The concessions asked for are always described as small matters—little conveniences to a large number of gentlemen—then little difficulties are dealt with; little by little the rule grows up, and the time comes when you regret having ever entered into the career at all, and endeavour to retrace your steps. If, however, you have to retrace your steps in this matter, do you think you will be able to do so without another compensation? It is quite true that the strongest statements have been made that no compensation will be allowed. But what will be said? Why, it will be said—"In 1871 you were dealing with acts which Parliament had declared

to be a misdemeanour and a crime, and yet you compensated the officers to the full. Since then an Act of Parliament has passed expressly inviting us to do this. We have been acting," it will be added, "not only in compliance with the permission of Parliament, but in obedience to an invitation to us by Parliament." If such a case is set up, what answer can you make to it? My Lords, I have endeavoured to state—at greater length than I had intended—the danger now before us if your Lordships invite the agency of money in dealing with the Service of Her Majesty. I have shown that you will deprive the Crown of a portion of its just control over those whom you permit to purchase their exchanges; that you will divide the officers into classes—the rich and the poor—those who have experience, and those who have not; that you will teach the poor officer to look to his richer brother for the pay for which he ought to be indebted to the State alone; that your measure will tend to create, at every step of the ascent, from the first commission to the command of the battalion, a saleable value, and a market price; and with that value and that price, to revive the system of barter and traffic which used to prevail. I have shown you that the obsolete securities which you propose to restore, the declarations of officers, and the vigilance of the authorities, have never been effectual either for officers of the Army, or for clergymen, or Members of Parliament; and that if these securities shall fail you now, you will inevitably be called upon for the payment of a second compensation. It was only three years ago that we were able to get rid of the system of Purchase, and I can only hope that your Lordships may never have occasion to regret that the evils then existing have been renewed by the Bill now before you.

Amendment *moved*, to leave out ("now,") and add at the end of the Motion ("this day six months.")—*(The Viscount Cardwell.)*

THE EARL OF DERBY: My Lords, I can say on my own behalf, and I think I may say for my Colleagues, that we are glad the noble Lord and his Friends have challenged the second reading of this Bill, and have thus brought this question to a direct and simple issue. No man is better entitled to speak on

this subject than the noble Viscount; and if in the public mind, or in the mind of any part of the public, there exists—as I believe there does—mistake and misapprehension as to the objects and as to the probable working of this Bill, it is far better that whatever can be said against it should be said here—said in the presence of competent and unbiased judges—and said by those who, like the noble Lord, are capable of doing justice to their own side of the case, and ready also, as I believe, to do justice to the arguments of those who take an opposite view. We do not shrink from—on the contrary, we invite a close and full discussion. We know—that is not disputed—that we carry with us the opinion of the Army. We believe that we have in our favour the opinion of the great majority of the public which interests itself in these subjects; and we think that the objections which have been taken to our proposal—or at least those on which the greatest stress has been laid out-of-doors—are of the kind which look large and formidable at a distance, but which when you examine them closely shrink to very small proportions indeed. I do not want to dwell for more than a moment on the competency of the Commissioners to entertain this question. The noble Viscount and his Colleagues are, no doubt, the best judges of what they intended to refer to the Commission: but, whatever the intentions of the noble Lord and his Colleagues, the fact remains that the course which we adopt is recommended by three Commissioners selected for their eminence and impartiality, and appointed to deal with a subject which appeared to include this question. No man contends that the late Government are bound by a decision to which they are not parties; but it is fair, on the other hand, that we should support ourselves by the authority of gentlemen selected for such a purpose, and who undoubtedly brought to the study of that subject a greater amount of care and attention than could reasonably be expected from any outside authority. My Lords, I will grapple at once with that which, as I believe, lies at the bottom of the opposition which has been made to this Bill—I mean the idea that we are trying insidiously, and by a side-wind, to restore the abolished system of Purchase.

*The Earl of Derby*

VISCOUNT CARDWELL: I disclaimed that idea.

THE EARL OF DERBY: The noble Lord, I think, conveyed the idea that if this were not our intention, it would be the result of the Bill. If this were so—if I could even see any plausible ground why the suspicion should be entertained—I think we should have been very shy of dealing with this question. There may have been—there were—wide differences of opinion as to the expediency of the Purchase system while it lasted. Personally—I do not take credit to myself for it—but, as a matter of fact, I believe I am one of the oldest opponents of that system in this House; for I remember speaking against it nearly 20 years ago, before the Commission of 1857 was appointed. But whatever anyone may have thought before Purchase was abolished—whatever anyone may think of the constitutional character of the proceeding by which it was abolished—I apprehend that no rational man considers its restoration now either possible or desirable. The thing is done: the inconveniences attending every large change are mostly got over; the officers have many of them received their money—to try and revive the Purchase system openly would be insane; to try and do it insidiously would be dishonourable, even if it were possible. But, except in the fact that under Purchase, money passed between officers under certain circumstances, and that money will under quite different circumstances pass for Exchanges in future—except in that, where is the likeness of the two things? I confess I cannot see it. Under the Purchase system an officer bought his step, gaining thereby, in return for the money which he paid, higher pay and higher military rank. The officer who could not pay was passed over, and his promotion retarded. The officer who could and did pay got a better chance of high commands, with all the distinctions they bring, and got his chance at an earlier age. That was the system which we, who objected to Purchase, considered unjust to the poorer officer and injurious to the efficiency of the Service. Practically, there may have been alleviations; but in the main our argument was sound, and it was successful. But how is it under this Bill? Can an officer buy himself into higher rank or higher pay? No; all that

he gets by exchange is an appointment exactly similar to that which he held before; and in point of fact he is rather a loser, for, if I understand the matter rightly, he goes to the bottom of his own rank. Does he stand in the way of anybody else's promotion? No; all he gains is to be quartered in a place which, for purely personal feelings, whether of health, family, or taste, he finds better suited to him than another. But, my Lords, this is not all. In the many discussions which were held between 1856 and 1872 on the Purchase system, those who opposed it, the Army reformers, were never tired of pointing to the non-Purchase corps—the Engineers and Artillery—and, they always argued—I think quite justly—that they got on perfectly well without Purchase. What was the answer made to that? Did anybody ever say—“Your argument does not apply; you are resting on a fallacy; you are assuming that which does not exist; these corps have the Purchase system in another form, because exchanges are allowed and money passes?” My Lords, nothing of the kind ever was said; nor could it be. Whether for praise or blame, everybody agreed as to the fact that in these corps Purchase did not exist. And I cannot understand how we are to be charged with the design of restoring it, when we simply aim at putting the rest of the Army on the footing on which these—the non-Purchase—corps stood before 1871. Even if a system of exchanges were like the Purchase system, likeness is not identity—you do not sentence a man without trial because he has the misfortune to have a relative who has been lately hanged. But the truth is that till this year, and except for the purpose of these debates, no likeness between the two was ever discovered, and the officers of the corps concerned will be the last persons to admit its existence. Now, my Lords, I come to what is, after all, the main issue before us—what will be the working of this measure, if it passes—what interests will it affect, and how will it affect them? My Lords, there are four distinct sets of persons to be considered. There are the officers who are willing to pay for exchanges; there are the officers who are glad to be paid; there are the non-commissioned officers and privates; and there is the public outside the Army, which is in-

terested in its discipline and efficiency. I will deal with these classes separately. As to the officers who want to buy exchanges, it may be assumed that they are in favour of the Bill. It is quite certain that their interests are promoted by it. But, undoubtedly, they are a small minority—and that fact—if you look at the facts—is one of the strongest arguments for the measure. No one doubts that its passing is desired by officers generally. No one disputes that the great majority of officers in the Army are persons who, though not wholly dependent on their pay, are yet possessed of but small private means. Is it conceivable that a large body of educated and intelligent men, dealing with a matter which intimately concerns their professional life, and which they perfectly understand, should be not only not averse from, but eager and anxious for, the granting of a privilege which is to make against their interests, which is to sacrifice the advantage of the numerous poor officers to the comparatively small number of rich officers? That is an absurdity on the face of it. Whether they are right or wrong in the view they take you must admit that the class of officers who would be sellers and not buyers in these transactions desire to have the right of engaging in them restored; and the presumption, at least, is that they know what they are about. But why, if we come to reason on the matter, should they take any other view? What do they lose by permission being given to exchange on these terms? The transaction is purely voluntary. An officer who, in the chances of the service, has got appointed to a station where most officers are glad to be sent, cannot be compelled or induced to leave it. If he wishes to exchange, he may benefit his pocket; if he does not wish to exchange, he is where he was before this Bill passed. The only possible objection which can be put forward on behalf of this class—and it is one which they do not put forward for themselves—is, that it may seem to give an invidious advantage to wealth. And the question is, whether that purely fanciful feeling—confined, as I hope and believe in an Army like ours it is, to a very few—ought to be set against the substantial advantage of enabling a poor man to pay his debts, or to help his family, by shifting from a pleasant to an

unpleasant quarter? The noble Lord says, we ought to hear nothing of poor officers or of rich officers; every one ought to be able to live on his pay. I should be heartily glad if that were possible. But this is not the case now, except in rare cases where the strictest economy is practised. To effect that object generally, it would be necessary to increase the pay of all classes of officers; and then all the economical policy of which we have heard so much during the last few years, and which we desire to maintain, would be scattered to the winds. Next, take the case of the private. It has been argued that he will be more dissatisfied than before with his condition when he sees that his officers have the power of exchanging out of disagreeable service while he is obliged to stay where he is sent. But those who argue in that way forget that the conditions of service in the two cases are different from the beginning. An officer can retire from the service when he likes. A private if he tries to do so is punished for deserting. There is room enough already for envy, if you suppose that feeling to exist; but the inferiority of the one position to the other is not aggravated by the mere fact that officers will be more free than before to make their own arrangements as to the place in which their duty shall be done. The position of the two classes, taking them as classes, remains what it was. But, my Lords, if no injury is done to officers or to privates by this Bill, is there none to the efficiency or discipline of the Service? That is the point on which most stress has been laid. It is assumed that the power of buying exchanges, however limited by regulation, will enable officers to make a plaything of the Service; will break up the Army into two classes—those who pay to stay at home and those who are paid to go abroad; that rich men will exchange into regiments where promotion is expected to be more rapid; and that competent officers preferring to stay in England or to return there will leave posts for which they are fitted and hand over their duty to men less competent to discharge it. I have tried to state these adverse criticisms fairly, and I will try to meet them. First, as to making a plaything of the Service. Surely, my Lords, it is a great mistake to argue as if it were mere fancy or the

wish for pleasanter quarters that makes men desire to exchange. Exchanges may be matters of health or of family necessity. An officer may be perfectly competent to do his work in Europe, who is warned by his doctors that the Indian climate will kill him; or he may be fit to serve in India, but not to face a Canadian winter. What do you gain by driving such a man out of the Service? The Army loses a good officer and society gets a discontented idler, and yet you do drive him out of the Service if you do not allow him to exchange on the only terms on which an exchange from India may often be possible. Take, again, the case of an officer of independent means, married, and with a young family, whose regiment goes to India in time of profound peace. He cannot take his children with him. He runs considerable risk if he takes out his wife. He has the option of leaving them for five years or of quitting the Service. He likes the Service, but he is not dependent upon it, and rather than sacrifice his home he throws up his commission. Nobody can blame him—he is doing what he has a right to do; but what do you get by driving him to that determination? My Lords, there are many other reasons why officers may wish to change their regiments. One man has most of his friends in another regiment, and wishes to join them. One prefers to serve in a regiment which possibly his father commanded for many years. One has had some little unpleasantness with his brother officers, not reflecting on his character, but which makes a change better for all parties. One has a feeling of nationality, which makes him, as a Scotchman or an Irishman, prefer a Scotch or an Irish regiment. Surely, it is not to be said that motives of this kind are unreasonable or unnatural, or that in acting upon them a man is doing what is blameable. But I may be told, nobody objects to exchanges, it is only the paying for them that is objectionable. My answer is that if you forbid exchanges in all cases except where the respective situations are of exactly equal eligibility, you really do forbid them in the great majority of cases; and that has been so much felt that, as stated just now, the recent prohibition is relaxed to this extent—that any expense actually incurred in removal consequent on an exchange may be borne by the

*The Earl of Derby*



other party to the exchange. Surely that is a very fine distinction. A man is not to receive money for his own use or for his family requirements, but he is to receive repayment for his travelling expenses, fixed by some authority which must either exercise a very arbitrary discretion, or else—which is the more probable alternative—neglect its duty altogether. Is there no risk of evasion in such a rule? Are you sure that you can enforce it? Does it commend itself to man's reason—and, if not, is there not a constant tendency to evade, to treat as a dead letter, a regulation which is against the interests of both parties concerned, and the necessity or utility of which is not evident? But I come back from that. It is contended, as I said before, that if you encourage exchanges, a competent officer sent to a post which may be important is liable to be replaced by one less able. But as far as that argument applies at all it applies to exchange in any form. I presume that, whether this Bill passes or not, there will always be, as there is now, power to prohibit an exchange which for whatever reason is considered as not for the interest of the Service. While that power exists the objection which I am referring to disappears. If it ceased to exist, then, with or without this Bill, the military authorities would be left without the power which they ought to have. But, my Lords, we may safely trust in these matters to the action of those motives which ordinarily regulate human conduct. The officer who is most eager to put himself forward for any post where there is a chance of active employment is not the man who will do the work least well when it comes to him. Take two officers equally competent, but one of whom is anxious to get out to India because he thinks he may have a chance of seeing service there; and the other, being in India, is only eager to get home to his hunting and shooting and pleasant society in England—and I say the man who is eager for work is the better man to go out where there is a chance of distinction. The process is one of natural selection, and I do not see why you are to interfere with it. As to the other apprehension which has been expressed—that rich officers will exchange out of regiments where promotion is slow into others where it is rapid—I must speak, as a civilian, with reserve; but,

though I have often heard that danger referred to, I have never seen proof that it is real, or had it explained to me how the thing is to be done. Who is to know beforehand that promotion will be slow in one regiment and quick in another? Are not these things very much matters of chance? Can they be foreseen and speculated upon? Will you find men ready to invest their money in a speculation of this kind, of which they, knowing the circumstances, know better than anybody the uncertainty? I hear it answered—"Oh, the agents will manage it;" and I admit that Army agents are an acute class, but they must be sharper than I give them credit for if they know who among the seniors of half-a-dozen regiments are going to die next year. They may think it probable that such and such an officer is thinking of retiring; but calculations of that kind are very apt to be mistaken, and they can have no monopoly of information in that respect. I remember a saying ascribed to an eminent Prime Minister long ago, that if he had been dishonest enough to speculate in the Funds with the supposed advantage of his official knowledge, he should certainly have lost his money; and I suspect those who trust to agents professing to have secret intelligence of the intentions of senior officers will come, sooner or later, to the same conclusion. My Lords, there is another class of objection with which I am bound to deal. I have heard it argued, if this system is good for the Army, why not for the Navy, why not for the Civil Service? My Lords, a more plausible fallacy never was uttered. The conditions of service in the British Army are utterly unlike those of the Navy or of the Civil Administration. In the Army, if a regiment moves, say, to India, every officer in it must go, or he must exchange, or he must leave the service. You have nothing analogous to that in the naval profession. You have not there, and you cannot have, anything like the regimental organization. A regiment is a permanent body; a ship's officers are a body brought together for a temporary purpose. Commands in the Navy are for short terms; and if an officer's health unfits him for tropical service, I apprehend that he would be able to decline a command without prejudicing his claims to employment elsewhere. There is, therefore, in the Navy no question of

exchanges, and the discussion in which we are engaged could not take place in connection with that profession. The same thing may be said of the Civil Service. You have civilians, no doubt, serving in all parts of the world; but you have no class of men like lieutenants, or captains, or majors serving now in one part of the world, now in another, performing wherever they are exactly the same duties, holding exactly the same rank, and therefore interchangeable with one another. If you had such a class in the Civil Service I think it very likely indeed that the question of exchanges among them would arise. But you have no such class, and therefore that question does not arise. My Lords, I will not dwell on the merely declamatory argument—though much stress was laid on it “elsewhere”—that it is improper and unjust that a man should be able to escape by a mere money payment from the performance of irksome duty. Just look where that doctrine leads you. A private cleans his arms and accoutrements for himself; that is part of his duty. A cavalry soldier grooms his own horse; that is also part of his duty. Is not an officer escaping irksome duty by a payment of money when he employs his soldier servant to black his boots or brush his cloak or his groom to clean his horse? You cannot look at matters from that point of view. As long as the work is done, as long as it is done properly, as long as it costs the country no more, what does it matter to anybody except the parties concerned whether it is done by A or B, or in what proportions they share the doing of it between them? Recollect that the British Army is a very peculiar body. It is the only large Army in the world recruited on an exclusively voluntary principle; and that tells on its composition as regards officers as well as men, for with a conscript Army promotions from the ranks are easier. It is the only Army which is scattered over the whole face of the globe. Its officers are paid very little. But for the social position which their commission gives them, it may be said that they hardly get a fair day's wages for a fair day's work. You ought to be careful how you deal with the traditions and even with the prejudices of a body so composed. It is not a question of what is most agreeable to the officers, but of what is best for

the State. Make the service distasteful and you will not get as good men, nor get them on the same terms. You might conceivably have a system under which all exchange was forbidden, and every officer was bound to go with his regiment wherever it went. But you must pay for it if you do. And at a moment when the gains of other professions are increasing, when money does not go as far as it formerly did, when the pay is, therefore, really less than before, measured by purchasing power; when you are very properly requiring higher qualifications from your officers, and putting heavier burdens of duty upon them, it does not seem wise to go out of your way to make military life unnecessarily harsh and repulsive to those who, with possibly a choice of careers before them, are doubting whether they shall enter it or not. My Lords, I do not wish to detain you further; but I have heard with surprise the language held. When on one side it has been pleaded that any abuses which the Bill did not absolutely render impossible might be checked by regulations, the answer has been—“We do not trust regulations. Parliament ought to rely on nothing except an Act of Parliament, and not take for granted that any abuse will be avoided which the law makes possible.” My Lords, do you act on that theory in any other branch of the public service? There is scarcely a limit to the mischief which those who hold administrative power might not do without breaking any law. They might turn all the clerks out of the Public Offices, and replace them by their own friends; they might recall Governors from the Colonies and diplomatists from abroad; they might throw the whole public service into confusion in a hundred ways. But nobody is afraid of their doing these things, because there is an unwritten as well as a written law—a law of custom and of opinion—a law enforced, not merely by individual conscience, but by Parliamentary criticism and the power of the Press. My Lords, is Parliament less vigilant than formerly? Is the Press less powerful? Are jobs more readily tolerated? You can answer those questions for yourselves. Depend upon it, if the country does not mean that the administration of the Army shall be jobbed—and it does not—abuses may be legally possible, but practi-

cally they will not be in question. If I could see in this Bill one-tenth of the evils and dangers that the noble Viscount (Viscount Cardwell) anticipates from it, I should be as little ready to support it as he is; but, as I believe those evils to be unreal and those dangers illusory, I ask you to give it a second reading.

THE DUKE OF CAMBRIDGE: My Lords, the same views and the same sentiments that have just been expressed by my noble Friend are those which will guide me in making the remarks which it is my desire to express to your Lordships. I am exceedingly anxious that it should be distinctly understood that I am about to make my statements upon strictly military grounds. I do not look upon this as a party question, and, as far as I am personally concerned, my sole desire is to speak as the exponent of the sentiment of the Army as I believe it to exist, and to elucidate some points in reference to the question which do not seem to be quite clearly understood, and with which, in my official capacity, it will become my duty to deal. Exchanges in themselves are certainly not acceptable to any of the authorities; and I entirely go with the view of the noble Viscount when he read the remarks of Lord Clyde, and referred to the evidence given by myself and others before the Royal Commission presided over by the noble Duke who sits behind him (the Duke of Somerset). On that occasion I said I objected to exchanges, and I entertain the same objection still. But I am bound to state frankly that it is utterly impossible to carry on the administration of the Army without great injustice, hardship, and, I believe, great injury to the public service unless exchanges are allowed. The noble Viscount himself admitted the principle of exchange when he specified the form in which exchanges should be effected. The object of this Bill is to alter that form, and the reason for it is that this form has been found extremely inconvenient and detrimental to the Army. I have said that I object to exchanges—I do so because I wish to maintain the regimental system, and have no desire to see officers moving about from one corps to another—I wish every officer to be attached to his own corps—but at the same time I am far from advising your Lordships to reject the arrangement proposed in this Bill. If the public

or the officers of the Army have an idea that because this Bill is passed officers will come in shoals to ask for exchanges, I think they will find they have made a great mistake. When an officer asks for an exchange, the first thing which the Commander-in-Chief has to consider is the effect it would have on the public service—what there is in the applicant's position to justify it—whether it is desirable in the interests of the corps themselves that the exchange should be made—and whether it would injure any other officer's chances of promotion. If it is found that there is no special objection to it on that score, the next question is, does there seem to be sufficient ground to justify the officers in question exchanging—is there any reason for assuming that anything irregular is being done? Should anything of the sort be perceived, the military authorities will instantly refuse to sanction the exchange. The decision of this matter is, perhaps, the only arbitrary power which the military authorities possess. If they see that the interests of the public service do not justify an exchange, there is an end of it. The whole power of granting or refusing an exchange rests with them, and they are not required to give reasons for their decision. So that the question of exchanges is one of confidence or no confidence in the military authorities. I am satisfied that this was not in the mind of the opponents of this Bill—but I desire to point out that this is the logical result. So long as the military authorities thus watch jealously the interests of the public service I contend that this is as safe a measure as could well be devised. I can give my noble Friend an instance or two of the working of this system. An officer, who shall be nameless, was allowed three or four years ago to exchange for the purpose of returning home from serving in India. There was nothing in the circumstances of the case which did not justify the exchange being made. But, unfortunately for him, the very regiment which he had entered was subsequently ordered to India also, and on his applying again for permission to exchange that permission was refused. Why? Because the military authorities did not deem the proposed exchange justifiable under the new set of circumstances. The interests of other officers would have suffered. If the exchange in question had been refused, these officers

would probably have left the Army and the country would have lost their services. I mention this case merely in order to show the care and attention with which every exchange is looked into. If I thought this Bill would introduce the question of compensation at anytime I should be as much averse to it as I am now favourable to it. But this is a matter which need not even be alluded to. We are now going on an entirely different principle, and we ought to put the idea of Purchase completely aside. As to its introducing the possibility of giving bonuses, to bring this forward at all as an argument against this Bill would almost imply that the military authorities were blind to the interests of the public service. I can assure your Lordships that no exchange would be allowed, unless the military authorities were perfectly satisfied that the public interest would not suffer, and that the desire on the part of the officers to exchange arose from other than pecuniary considerations. I think this Bill necessary. I admit the inconveniences attending exchanges, but I also know as a matter of fact that you cannot avoid them. It is a choice of evils. Therefore I say—"Accept this arrangement, which is calculated to meet the necessities of the case in a plain matter-of-fact way." I really believe that when once it is known and felt that exchanges are not to be worked to the extent that some people seem to imagine the question will soon find its level—officers will not be disposed to give money for what does not produce money. The question of exchanges formerly occupied a very different position from what it does now. It was all very well when rich men could exchange into a corps with a view to promotion, jumping over the heads of five or six poorer officers; exchanges had then a marketable value; but now this "leap-frog system" has entirely disappeared. Besides, the power of selection which is given to the Commander-in-Chief by the Abolition of Purchase Act will stand good to prevent anything in the shape of money passing to an extent that might be considered at all improper or even questionable. Under these circumstances, I confess I have a strong opinion that this measure should recommend itself to your Lordships' approval. And, as regards the officers of the Army, should you pass this Bill, I have no doubt the

large majority—I believe the whole—of the officers will feel in a much more safe position as regards their interests if they are allowed on moderate conditions to exchange. I have heard this question argued in the interests of the poor officer; I agree in that view; I believe it is really a poor man's question—but, of course, for a different reason from that advanced. The officers who come to me and urge me to promote exchanges are poor men. When they are serving at home they find their pay in England so small that they would in many cases have to leave the Service if they could not go abroad again, where the pay is better. I believe the code of regulations which will be framed is such that the system may be carried out successfully. I do not know, my Lords, that I have much more to add. I have argued the matter in a purely military sense. I hope I have shown that my answers to questions put to me by the Royal Commission are quite consistent with my support of the present measure. And if your Lordships have that confidence in the military authorities, which I infer from your having given the Commander-in-Chief the power of selection, you may rest assured that no ill effects will result from carrying out this measure as proposed; while at the same time you will have a well-contented Army, with the assurance that in no respect has the profession retrograded from the passing of this measure.

THE DUKE OF SOMERSET: My Lords, the illustrious Duke has spoken on this occasion, as he always does, without favouring either party, and with that earnest and anxious desire to promote the interests of the public service and the officers of the Army which has always distinguished him. Having heard his statements and read his evidence, as quoted by the noble Duke, I cannot help thinking that both are very satisfactory. He does not allow exchanges, except where they tend to the benefit of the public service and are consistent with justice to all the officers concerned. When, however, I look at the evidence before the Royal Commission, I must say I see a very different state of things—the evidence shows that underlying the system of exchanges there has grown up a practice of sale and purchase, even a market price. What do the officers say? They talk about their

*The Duke of Cambridge*



right to exchange. Captain Campbell, in reply to Question 432 says, "I had a right to exchange;" and to Question 434 he says, "I might make any pecuniary arrangements." Lieutenant-Colonel Bray, in answer to Question 554, says—

"The loss of the power of exchange was very great. (555) There was a certain market price. The market varied, and poor men were obliged to watch the market."

Captain Moffatt (596) "The right of exchange was a valuable consideration in the eyes of all officers." Captain Gonne (703) "I should have said to the agent,—'Find me an exchange as major to India.'"

(704) "Was that a thing which could be obtained by going into the market?—I have never known any one search for it in vain."

Captain Backhouse (2,827)—

"I had a right to exchange if I thought proper, receiving or paying money according to the part of the world in which my regiment was situated."

Lieutenant-Colonel Johnstone (907) speaks of the power of obtaining by exchange the command of a Line regiment, and (912) he says it was worth about £3,000. Colonel Burnaby says (1,114), large sums could be received by Cavalry officers exchanging to the Infantry. Captain Spottiswoode says—

(1,177) "Under the old system officers were always allowed to exchange to half-pay. Exchanges were not limited to regiments going abroad."

I might quote a great many more extracts to show that officers were still treating the question as a matter of right. But the illustrious Duke tells us that no officer has any right to exchange—he can only exchange where it is for the benefit of the public service; or at least, where it cannot be at all detrimental and where it is seen to be just to the other officers concerned. If that line be taken, of course many of the evils expected to arise from the system of exchanges will be done away with. They had grown up, no doubt, in connection with the Purchase system, which tainted everything connected with the service; but if exchanges were carried out strictly on the principle laid down by the illustrious Duke, I think this Bill may safely be allowed to pass; and for my part, I should be very sorry if, a Royal Commission having reported in its favour, the other House of Parliament having passed it by large

majorities, and the whole Army being anxious for it, the House of Lords should oppose it. I admit the danger and difficulties of the question, but I say the illustrious Duke will be responsible for carrying it out, and I trust he will carry it out in the spirit in which he has spoken to-night, and that when hereafter a Committee looks into the question to see how the system of exchanges has worked under this measure they will be able to report that the principles of the illustrious Duke have been fully and fairly carried out.

LORD SANDHURST said, it was with great reluctance he rose to address their Lordships, because, as he had the honour to hold an executive office under the Crown, he approached the subject with considerable difficulty, and he had the misfortune to differ from the illustrious Duke on the cross-benches. The noble Duke who had last spoken (the Duke of Somerset) dwelt at considerable length on the dangers which beset this measure, but concluded by saying that, while admitting the risks to which the discipline of the Army might be exposed, he was yet prepared to vote for it. Under these circumstances, he (Lord Sandhurst), for one, could not follow the noble Duke into the Lobby. If this measure was attended with such risks, it was the bounden duty of those who agreed with the noble Viscount (Viscount Cardwell) by every means to oppose the Bill, and, if possible, to throw it out. The question did not rest on the point put before their Lordships by the illustrious Duke on the cross-benches. It was a question totally foreign to the responsibilities of the military authorities. The question was one of the morality of the Army—of the morality of the officers—whether they should be regulated by the same principle as regulated other professions, or should be invited to barter that principle for money considerations. In the year 1832, a great measure of reform became law. That was the first great step in this country towards educating the people in the true path of political morality. It was not merely an electoral reform; it was a declaration that the trust confided for the performance of a public duty should not be so corrupted or changed as to become a freehold, to be used for private purposes and private interests. What had we been saying during the last 40 years?

Whichever party was in power, the education of the people was proceeding in the same direction. They had seen one Bill after another which had caused the people to become more alive to the necessity of enforcing practical morality in the transaction of Public Business. That was the principle which animated the House of Commons when it gave the people a new Charter, and when it relinquished the right of trying Election Petitions. Just as in 1832, a new Charter had been given to the people of England, so, in 1871, a new charter was given to the Army of England, and under it a contract was formed with the nation, by which the people were induced to tax themselves to the amount of seven or eight millions for the purpose, not merely of giving compensation to officers for their commissions, but still more of stamping out the notion that the trust incurred for the performance of duty could be any more corrupted or changed so as to become a freehold for the purposes of private interest. That was the cause which alone reconciled the people of England in 1871 to pay this enormous sum. But by the Bill before the House this great principle was violated. The contract for which this vast sum was paid was broken; and it was impossible too often to reiterate the assertion that private interests were preferred to public interests, and money considerations took the place of those obligations by which every man in the public service ought to be bound. It must be remembered that in all the speeches to which their Lordships had listened that evening the true distinction had been lost sight of between money paid to meet particular circumstances and money payments which were neither more nor less than bribes. It was impossible that two things could be more different than a bribe in the one case and in the other a sum of money paid to enable an officer to proceed to the scene of action. Under the administration of the illustrious Duke, exchanges had been regulated as far as was in his power. But, Administrations changed. We might not see the illustrious Duke always in the position which he filled with such remarkable distinction; other men might come to fill that office, with other views; and he would ask their Lordships whether the integrity of the Army—whether the morality of Her

*Lord Sandhurst*

Majesty's service—was to depend on the views of the individual holding the office of Commander-in-Chief? He might, perhaps, be allowed to give an instance in his own experience. When he was a young man, a captain in a Line regiment, what happened? It was a time when the saying was "That officers must either sell or sail." But this did not represent the true state of things. Exchanges were permitted wholesale under the system thus prevailing. At the very time they were about to sail, 10 young officers walked into the harbour in the place of 10 others who exchanged—four captains and six subalterns. Their Lordships might judge of the disorganization which existed in that regiment for many months afterwards. That occurred under the great Duke of Wellington. He was talking of the year 1844, when war was threatening in India. The regiment to which he belonged, within a few months after its landing, found itself in the presence of the enemy—those 10 officers had actually exchanged from a regiment which in a brief period was engaged on the frontiers of India. This was done unconsciously on their parts, although the authorities well knew the state of the case. He was only too well able to confirm what had been stated so emphatically by Lord Clyde, when he deplored the facilities given to officers to exchange when they were in dangerous foreign climates. If there was one thing which destroyed discipline more than another, it was when a regiment was on a distant frontier, when perhaps every third man was down, and when officers left their men to sicken while they sought healthier or more comfortable quarters. Were not such officers open to the same imputation as though they were actually guilty of misconduct? He did not mean to say that such things occurred; but if this Bill passed, such temptations would be put in the way of officers that we must expect the weak ones sometimes to yield to these temptations. He said this advisedly, after long experience of the way in which men did yield to temptation under these circumstances. It was matter of history that during the Peninsular War, the Duke of Wellington was exposed to great difficulties from this cause, and was obliged to take measures to coerce the weak men among his officers.

He appealed to every officer who had been in command or had held high Staff appointments, whether the great difficulty was not to keep regiments complete and retain the officers when what might be called the honour and glory had passed away. But when the honour and glory had passed away, the most difficult, if not the most dangerous, part of the service often remained, and by committing themselves to the principle involved in the Bill, their Lordships would render it possible for officers to avoid this part of their duty. It was said that the officers of the Army were generally in favour of the measure. But they were officers who had been brought up in the Purchase system, and who might be said to be saturated with Purchase. As a rule, the officers desired to return to the Purchase system; and though he believed that the Government were as hostile to the re-introduction of this system as noble Lords on his side of the House, they had forgotten the motives by which the human mind was in general swayed, and by that forgetfulness had laid themselves and the Army open indirectly to the re-introduction of something like Purchase. It was contended that no possible money profit could arise through exchanges. Now there might very well be cases in which it would be of advantage to officers to pay large sums to be allowed to exchange. He would give two or three instances, by which it would appear that appointments, if not commissions, might be directly bought. It sometimes happened that colonels wished for service in India, for the purpose of achieving a brigadier-generalship, which not only carried the command of a brigade, but very considerable allowances. Now it was quite worth the while of a colonel at home to give £2,000 or £3,000 to a colonel in India if, by reason of his seniority on arriving in India, he could see his way to the command of a brigade. Thus he would buy through an agent, not a commission, but that which would be of still greater importance to the State—the reversion of the post of brigadier-general in India. Then take the case of the Guards or a heavy Cavalry regiment. The *prestige* of the Guards carried great weight, and the officers enjoyed solid advantages by remaining in London with their families and friends. Suppose a young man 30 years old were tired of

London life, and proposed by-and-by, to retire from the Army altogether, having no objection meanwhile to visit India. The value of a commission in the Guards 10 or 20 years hence, as compared with one in the Line was problematical; but it was possible that an officer in the Guards who had not paid a shilling for his commission might by the time he became captain, if he chose to exchange to India, acquire a property worth £3,000. Would not this be permitting sale and barter—especially as the Secretary for War had determined to know nothing of the prices given, and to ignore the question of money, though it was really a question of money from beginning to end? If the Guards were to be excepted from the operation of the rule of exchanges into the Line, their Lordships ought to be informed of the intentions of the Government. He was aware that under the administration of the illustrious Duke exchanges between the Guards and the Line had been discouraged; and he greatly admired this policy, because by such exchanges the position of many of the older officers in the Line was prejudiced. He believed that for many years past the exchanges between the Guards and the Line had not exceeded one per annum.

THE DUKE OF CAMBRIDGE: There has only been one for each of the seven battalions of the Guards during the last 10 years.

LORD SANDHURST said, that if the Bill passed, he did not see how if officers of the Guards asked for an exchange, they could be excluded from the privilege any more than officers in Line regiments; and if so, Parliament would have secured to them a property of considerable value which they would be able to dispose of under the Bill. The same thing would happen in heavy Cavalry regiments. These regiments were not sent abroad. Therefore a sub-lieutenant appointed to a heavy Cavalry regiment by the time he became a captain would be able to dispose of a property of considerable value if he chose to exchange for India: and this through no fault of either officers or agents, but simply as a logical consequence of the Bill. A great deal was said in 1871 in consequence of the Bill proposed by the Government of the day, about the mind of the Army being unsettled; but now, after the lapse of only four years, we

were again landed in a discussion of the principle of that measure. This, in his opinion, was a result greatly to be deplored. He could use no term less strong. That the present Bill would pass he entertained no doubt; but still noble Lords opposite ought to recollect that the question would not be settled by the passing of this Bill; and that when the Party now in Opposition were again on the other side of the House the question would certainly be re-opened, unless it could be shown on the most indisputable ground that the evil consequences they now feared had not been brought about. It had seldom been his lot to speak on a subject which had given him more pain than this. He was aware that he was opposing the wishes of the great majority of the officers of the Army. That was, of course, a disagreeable position to occupy; but it was his firm conviction that time would show that the concession now sought to be made to their wishes would be the greatest mischief and the greatest injury which had ever been done to them.

THE DUKE OF CAMBRIDGE said, his noble and gallant Friend had made a very serious statement with regard to officers exchanging in order to avoid dangerous service. He could not leave such a question unchallenged, and therefore he hoped his noble and gallant Friend would, by naming the regiments, and giving the date of the occurrence, give him an opportunity of seeing how the matter really stood.

LORD SANDHURST said, that as regarded officers leaving the regiment abroad at a time when the men might be suffering from sickness, he had already stated that he spoke hypothetically, but that the Bill before the House led directly to encouragement of such conduct.

THE DUKE OF RICHMOND thought that the noble and gallant Lord ought to state the number of the regiment the officers of which he said had exchanged in order to avoid a dangerous service. He wished to impress upon the noble and gallant Lord that he ought to do one of two things—either to withdraw his assertion that any officers of any regiment in Her Majesty's Service had effected an exchange for the purpose of avoiding a dangerous service, or to give the name and number of the regiment referred to.

*Lord Sandhurst*

LORD SANDHURST said, with regard to the question put to him by the noble Duke, he (Lord Sandhurst) must remind their Lordships that he was most particular in saying that the officers to whom he referred, like the public, were at the time doubtless unconscious of the war which soon afterwards broke out, although such a contingency was considered imminent in official quarters at the time, and that the Government and the Horse Guards of course knew the reasons of their actions. He was talking of what took place some 30 years ago, when sailing ships were the only means for the conveyance of troops, and when, of course, the communications between distant countries were greatly more tedious than at present. It was a fact that within a year and a quarter after leaving for India the regiment to which he alluded had to engage with the enemy on the North Western frontiers.

LORD PENZANCE said, that, as one of the three Commissioners on whose recommendations the Bill was founded, he hoped the few observations he had to make would prove of a more tranquilizing nature than those which had fallen from those noble Lords who were more directly interested in the question than he was. He did not complain of the terms in which the noble Viscount (Viscount Cardwell), who did him the honour of placing him on the Commission, had spoken of the way in which the Commissioners had discharged their duty; nor did he complain of their being styled in "another place," "distinguished and amiable persons," though everybody knew what that meant in such a connection. It was true that the Commissioners were three civilians. They had no interest in the matter, and as little knowledge of it—speaking for himself, at least, he would admit he had no knowledge of it at all. Well, the Commissioners were authorized to investigate the question, and to ascertain how far the complaints of the officers could, without injury to the public service, be met by withdrawing the restrictions which had been placed on their exchanges. It had been said that the Commissioners exceeded their Instructions. He was sorry if they did so. They certainly did not desire, in their inquiry, to travel over any region where they were not authorized to place their feet; certainly, they had no desire to



carry their inquiries beyond the limits assigned to them; and it appeared to them their duty to carry their investigations to the extent to which they did carry it. The noble Viscount read a portion of the Commission under which they were appointed. He (Lord Penzance) begged leave to read another passage—because it was a passage that, in their humble judgment, thrust upon them the duty of investigating the subject of exchanges. The Commission recited that certain officers had alleged certain grievances—

“And whereas an humble Address has been presented to us by the Lords Spiritual and Temporal in Parliament assembled praying us to issue our Royal Commission for inquiry into the allegations of the said Officers.

“Now we appoint you our Commissioners”—for what?—“for the purpose of examining the allegations contained in the Memorials before referred to.”

Those Memorials differed very much. Some memorials laid great stress upon one complaint, and some upon another; but one and all put forward as a great grievance the interference with the free right of exchange. Therefore, if the Commissioners were to examine the allegations in the Memorials, it became their first duty to take the evidence of a large body of officers on that question, and they accordingly did so. But, said the noble Viscount, what the Commissioners were appointed to do was to see whether there were any grievances that could be compensated by a money payment. The Commissioners considered that question; but he (Lord Penzance) thought very little reflection would show any Member of the House that a money compensation for the loss of the free right of exchange was simply impossible. Could it be said in any one individual case that an officer in the course of a certain number of years would exchange with somebody else under the system of exchange? How, then, could they estimate the compensation in such a case for the loss of the right of exchange. They were, therefore, compelled either to pass over this particular grievance, or to take the course they did take with respect to it. After examining the allegations in the Memorials the Commissioners found that the officers had a real grievance with reference to exchange. He was sorry if the Commissioners exceeded their Instruc-

tions. They had no desire to do so; but to that hour he had not heard how they practically could have done anything else. The complaints of the officers were based upon this—they said they had entered the Army when certain facilities were open, and some complained that they were ordered to a foreign station, where their health did not enable them to carry on their duties. But the majority of the officers who complained were officers of the poorer class so called, who had always looked forward to this right of exchange which they had always practically enjoyed. The noble Duke behind him read evidence to show that there was no such right; but it was the practice—and the officers therefore complained that that practice was abolished by the Warrant issued on the subject. Let him remind their Lordships what the system of Purchase was—for it was much misunderstood out-of-doors. It was, in truth, simply a system of retirement, the retiring officer receiving a sum of money from the officer who succeeded him. The inequality which the system created between the rich and the poor was by no means the whole thing. No doubt, there were officers who could not purchase a step; but those were the very men who complained loudest of the abolition of Purchase. No doubt, other men went over their heads; but then they remained until they got to the top of their rank, and then when a vacancy occurred they took it without Purchase. This step they could turn to money account, and there were instances in which men who had risen from the ranks in this way got some thousands of pounds on their retirement. Well, then the question arose in the minds of the Commissioners, whether the abolition of Purchase made new Regulations, as to paying for exchanges, necessary. The Commissioners were resolved that nothing ought to be done under the Commission that tended in any way to restore the system of Purchase. It was an objection to Purchase—and an objection which, to his mind, was fatal to it—that under that system every officer had, as it were, a vested right to promotion on certain terms of payment. He had a right to buy a seniority upon its becoming vacant. The authorities were perpetually tied by those vested interests in the selection they wished to make of

men whom they wished to promote. In the Artillery and Engineers, which were non-Purchase corps, a system of exchanging similar to that contemplated by the present Bill had long existed, without tending, in the slightest degree, to call into existence a practice of purchasing commissions such as that which the late Government passed a Bill to abolish. It was not fair, therefore, to say either that the measure now before their Lordships would re-enact Purchase or call it into existence where it had previously been unknown. The Bill would not enable officers to obtain anything which they could exchange for money; it would simply put it within the power of officers to exchange precisely similar functions, with the sole difference that those functions would be discharged in countries other than those in which they would have been discharged if the exchanges had not been effected. With regard to the broad question which was constantly raised in discussions upon the present Bill, he had no hesitation in expressing his opinion that exchanges were beneficial, not in the abstract, but as affording an opportunity of choosing the least of two evils, one of which must of necessity exist. It had been urged that this measure was a retrograde proposal as compared with the Brokers Act; but it seemed to be forgotten that that Act permitted the exchange of commissions, subject to the condition that no more money should pass than was to be fixed by the Queen's Regulations. No such Regulations were, in fact, ever drawn up, and the present Bill would simply carry into effect that which would have been done by the Brokers Act if the necessary Regulations had been drawn up subsequent to its enactment. The present Bill would restrict the money payment on an exchange being effected to the sum necessary to defray the travelling expenses of the officer accepting the exchange. The change that the Commissioners proposed amounted to no more than this—they put it in the power of the illustrious Duke the Commander-in-Chief and the Army authorities to sanction exchanges in certain cases where it might seem desirable. What, then, was the objection to the Bill? If the power of permitting officers to exchange on payment of expenses was sufficient to induce them to exchange, why should they suppose that larger sums would

*Lord Penzance*

pass? Officers in the Army were not, as a rule, so rich that they paid more for anything they wished than the sum prescribed by law. One of two things was certain, either that the sum to be paid was a real restriction, or that it was not; but no doubt, practically speaking, this payment did act as a restriction on exchange between officers. He had seen a statement by a person who seemed to have a practical knowledge of the question, and who remarked that it was easy for persons to say that they did not object to exchanges, but only to the passing of money for exchanges. When one regiment was going out to India another might be coming home, and many officers of the regiment ordered home who had contracted ties in India might be not only willing but anxious to remain where they were, while some of those who happened to be enrolled in the list of the officers of the regiment ordered out might have an equal desire to be stationed at home. In such a case why should not an arrangement for mutual convenience be sanctioned? The opponents of the measure indulged in prophecies as to what would happen under its operation; but they seemed altogether to forget that exchanges were no innovation, but had existed for 100, or, for aught he knew, 200 years. It was said that the rich officers would live in comfortable quarters, while the hardships of the service would be left to their poorer brethren. But if such a thing was likely to happen it would have happened already, and who could say that it had? Again, it was said that the Regulations controlling exchanges could not be relied on. But they had the same guarantee on that head, as they had for the fulfilment of other Regulations of the Service. As for the purchase of promotion, such a thing might have been possible under the old system; but it was impossible now when there was no right of succession to any vacancy, the right of selection being vested in the Commander-in-Chief. The argument that an inferior man might exchange into a position for which he was unfit, was also fallacious; for, the Commander-in-Chief having the right of selection, it was absurd to suppose that he would with one hand appoint a properly-qualified officer to a particular post, and then with his other sanction the substitution of an officer who was

incompetent. It was said the officers of a regiment might "make a purse" to induce the senior officer to retire, and thus give them an opportunity for advancement. But that was a thing which had never been done, and what ground had they, therefore, for believing that it would be done in future? He came now to what might be called the sentimental side of the question. They had heard a good deal about a "degrading traffic," "higgling and huckstering," and so on. It was said "there were three things which ought not to be bought or sold—the virtue of a woman, the integrity of a statesman, and the honour of a soldier." Now, if that meant anything, it meant that the honour of the Army was compromised in this question, and that if exchanges were allowed the honour of the Army was impugned. That was a statement so alarming that one almost shrunk from exposing it. What said experience on the matter? Had the honour of the Army suffered from the Exchange system? It was the first time he had ever heard of it. Then it was said the morality of the Army would suffer; if this "higgling and huckstering" system were allowed to go on, officers would become so degraded in the eyes of the soldiers they would no longer care for them. Had this ever happened? Was that the spirit evinced in the lesson taught at Inkerman? The moment they came to look back to experience these delusions were entirely dissipated. Those who used these arguments substituted prophecy for the past and imagination for experience. He hoped their Lordships would deal with this question as one of a practical nature. It was of supreme importance to the State that the Army should be satisfied and efficient; and therefore it was a matter that should be treated on purely common-sense principles. If it was once affirmed with success that the payment of money was dishonourable, then it was immaterial whether officers were paid sufficient to cover their expenses, as at present, or something more. An accusation of having made a mistake as to military affairs would not have troubled him; but when he was told that he had recommended a course which tarnished the honour of the Army, he was not inclined to subscribe to this new definition of honour, which depended

upon whether they paid travelling expenses or something besides. He had two regrets on the present occasion—first, that in dealing with this question he found himself opposed to those who were around him, and the other was that the debates in that and the other House of Parliament might create some amount of irritation in the officers of the Army; but he was satisfied that in the long run they would find that, whatever course it was necessary to take, the interests and honour of the Army would be safe and clear in the hands of both sides of the Houses of Parliament.

THE MARQUESS OF LANSDOWNE said, he had listened with great interest to the noble and learned Lord's defence of the Royal Commission of which he had been a distinguished Member. The noble and learned Lord would forgive him if he told him that he could not help feeling that his language was that of one who sought to extenuate an indiscretion rather than to repel an accusation. The Order of Reference was perfectly clear, and he could not see that any other interpretation could be applied to it than that of his noble Friend the noble Viscount. The Commissioners were required to report to the Crown whether any of the grievances alleged by the officers were such as should be compensated upon the principle of the Army Regulation Act. The principle of that Act was pecuniary compensation for a pecuniary loss, and who could ever have supposed that a Commission limited by such a reference as that would recommend, not compensation for the loss of the abolished right, but the restoration of the right itself—a right which, if not identical with those of which the Act assumed the abolition, was, at all events, very closely related to them. Nor could he persuade himself that the Commissioners themselves were unconscious of this. If he turned to their Report, what did he find? Every line of it which referred to the matter of exchanges breathed diffidence and doubt. The Commissioners, after enumerating the dangers apprehended by those who objected to all pecuniary bargaining between officers, stated—

"We are not satisfied that there is any real danger of this, but we are satisfied, from the evidence before us, that the return to the old practice of exchanges would be very acceptable to the Army."

Their Lordships would observe that the evidence was appealed to in support of the proposition, which no one had questioned, that the restoration of this privilege would be popular with the Army; but there was no appeal to the evidence in support of the other and more important proposition—that the step would be unattended by those dangers which many anticipated from it. And the Commissioners were prudent in their reserve upon this point, for, with the exception of one or two leading questions to the Commander-in-Chief and the Adjutant General, they had not examined a single witness with regard to the dangers of a system of unrestricted Exchange. The Report of the Commission was, therefore, no justification of this Bill; and, whether it did good or harm, the responsibility must rest with the Government, and not with the Royal Commission. What would be the operation of the Bill? He was a little puzzled to answer that question, for the answers given to it were by no means consistent. They were told on the highest official authority—that of the Prime Minister—that the intention of the Bill was to stimulate exchanges; but what did the illustrious Duke the Commander-in-Chief say? He said that exchanges were necessary—he did not like them, but they were necessary to satisfy the Army, and the fewer there were the better he should be pleased. Was that stimulating exchanges? Now, it had been said that the circumstances of the officers of the Army had altered, and that it was necessary to make up for that alteration of circumstances; but the fact was, that one of the principal reasons for which officers were formerly in the habit of selling an exchange had disappeared altogether with the abolition of Purchase. Under the Purchase system it often happened that an officer had no means of buying his step except by exchanging, if he could obtain a sum of money for doing so; and this fact was elicited by Sir Percy Herbert in his examination of one of the witnesses before the Commission. He asked this Question—

“I believe that it was open to an officer previously to that Regulation being passed, and previously to the passing of the Warrant, to receive a considerable sum for an exchange, and thereby, if he was a poor man, to obtain the means either of purchasing his promotion at a future time or of repaying money which he had

borrowed in order to purchase his promotion? —It was so. In fact there was no restriction, and he might receive anything he could get.”

One of the few arguments seriously advanced by the supporters of the Bill was that it was impossible, with the present arrangements of the War Department, to regulate the recognized payments between two officers effecting an exchange. But surely there must be some one in the War Office sufficiently ingenious to devise means by which these complicated matters might be adjusted. He wished, however, to point out that while Her Majesty's Government were seeking to relieve the War Department of this trivial and unimportant duty, they were going to saddle the military authorities with a duty much more irksome and odious—that of saying that exchanges in a particular regiment had reached such a point that it was necessary to interfere. So that they would have His Royal Highness stepping in and refusing an exchange in one case where it had been permitted in a similar case a few days before. And then let their Lordships mark the wonderful discrepancy in the statements of the supporters of the Bill. The Secretary of State for War said in his place in the House of Commons that we were bound for the future studiously to ignore the amount of those payments. What, in substance, had His Royal Highness said that evening? —“Whenever I hear of an excessive payment, that will be an occasion when the military authorities will step in and interfere.” By which of these views, he should like to know, were they to be guided in giving their votes this evening? Another statement was that the passage of this Bill would facilitate what he might call, for the purpose of this argument, the typical exchange—that, namely, between an officer suffering from bad health in India and another officer suffering from temporary money difficulties at home. Such a case as that he would be perfectly willing to concede at the outset. He readily admitted that there were circumstances in which exchange had been useful by enabling us to retain the services of two gallant officers who otherwise might have been lost to the country. But the argument told both ways. It was quite true that, under a system of unrestricted exchange, some sickly officers might be able to come home from India; but it was equally true

*The Marquess of Lansdowne*



that other sickly officers, equally or more deserving, would be kept in India, because they would not have money enough to pay the price in the Exchange market. But what did the noble Lord the Secretary for Foreign Affairs tell the House? He said this was a question between two officers, A and B; it suited A and it suited B, and therefore the Government had nothing at all to say to it; the transaction was purely a voluntary one, and nobody was the worse for it. But there were surely numerous instances of purely voluntary transactions between parties which were detrimental to the highest interests of society, although, as far as the parties themselves were concerned, they might be advantageous or useful in the highest degree. Take a case of which the House had lately heard a good deal—the case of a simoniacal bargain in the Church. A patron might make a corrupt and illegal contract with a clergyman; the clergyman might be perfectly well fitted for the duties of the cure; the patron might spend the price received in building a school, or as a marriage portion for his daughter. This was a purely voluntary transaction, and its immediate results were beneficial to all parties, and yet it was one which we should certainly not wish to encourage by legislation. Not long ago there was a brisk traffic in Parliamentary boroughs, and the only way in which a man who did not wish to stand under an obligation to another could enter Parliament, was very often by purchasing a seat. Sir Samuel Romilly, for instance, entered the House of Commons in that way, and the House gained very much by his admission to its ranks. And yet no one would ever have proposed the introduction of a measure for stimulating the traffic in rotten boroughs. In his opinion, the results of the Bill would be two-fold, and the first result would be this—that whereas the service of the Queen involved, perhaps, more than military service in any other country in the world, rough places and smooth, officers who were able to buy exchanges would gravitate to the smooth places and officers who were obliged to sell would gravitate to the rough. His Royal Highness, when before the Duke of Somerset's Commission, in 1857 (Question 4,194), spoke of the English Army as one

“Scattered over the face of the globe, some performing very painful and disagreeable duties, not much known to the public, and others performing much more agreeable duties, but which come more under the notice of the public.”

Nobody could question the accuracy of that statement; and the result of this Bill would be that under the ordinary laws of supply and demand the rich officer would get more than his fair share of the agreeable duties which would bring him under the notice of the Crown, while the poor officer would get the work which was not only more “painful and disagreeable,” but less in evidence, and less likely to be “noticed” by the public and by his superiors. It was said that this state of things would not be new, for exchanges had been before and would be again. But he could not admit the force of that statement. The military authorities said now—“Find a substitute, and if you can do so we will not be so pedantic as to prevent you from paying the legitimate expenses of the transaction.” But under this Bill they would say—“You want to quit a disagreeable place in which you serve the Queen. Now we give you *carte blanche* to go into the market and buy a substitute.” The Royal Commissioners said that there were many good officers with slender means, who would be willing to serve in India or elsewhere for a consideration. What was that but saying, *Ibit eo quo vis, qui zonam perdidit*. Now, he should like to remind the House what those duties were which would in nine cases out of ten be avoided by officers buying their exchange out of one regiment into another. Foreign service, now that the troops had been withdrawn from the Colonies, meant, speaking generally, service in India. The duties of the English officer in India might be painful and disagreeable, but he could not conceive a moment more important in the career of a young officer than that in which he found himself for the first time serving Her Majesty in Her Indian dominions. There was a country of 1,000,000 square miles, with a native population numbering some 200,000,000, kept in control by 60,000 or 70,000 English troops. Every part of the country was consecrated by memories of the great men who had won our Empire and held it afterwards; the colours of his regiment very likely bore upon them the names of the vic-

tories which they had achieved. Everything conspired to make an officer proud of the Service and the career on which he was entering. Were they at that moment to allow a Mephistopheles in the shape of an army agent to come forward, and by some tempting proposal to induce him to exchange that glorious service in India for an uneventful life in an English cathedral town? These, then, would be some of the effects of the Bill. But it would have others, not less mischievous. Under the Bill it would come to pass that whereas some corps possessed exceptional prestige and popularity, both those things would henceforth be expressed in terms of money, for the purpose of the sale and purchase of exchanges. This proposition was stated in his evidence by Colonel Burnaby with the most cynical frankness. He spoke of the custom of selling the intrinsic value of the prestige of commissions in the more privileged regiments, such as the Guards, Household Cavalry, Heavy Cavalry, not quartered in India, and Light Cavalry. According to this gallant officer, it would appear that the prestige and popularity attaching to commissions in certain regiments were to be used for the inglorious object of providing for the necessities of officers who happened to be in embarrassed circumstances. Observe how this would work. The late Government hoped to establish a local connection between the English Army and particular localities. But if a sub-lieutenant in the Militia got a commission in the county regiment, he might by-and-by convert it, if the regiment happened to be a popular one, into a sum of money wherewith to pay his debts, and the intention of the military authorities in posting him to a particular regiment would be frustrated. These evils were, at all events, possible. The safeguard proposed was that the military authorities would prevent these things. But were the military authorities always able to prevent abuses under the old system? The late Mr. Higgins, who was examined at great length before the Purchase Commission, referred to the case of the 43rd Regiment, which went to the Cape, and then on to India—

“It was a Light Infantry regiment, and was considered to be a very good regiment; when it went to India there were eight or nine sons of Peers in it, but in about 18 months after it had

been there only one son of a Peer remained in it, and he had got an S attached to his name, having got on the Staff somewhere. I then looked back to see what had become of those men who had thus evaded the wish of the Horse Guards that they should take their tour of Indian duty, and I found that nearly everyone of them had fared much better by returning home than if he had remained with the regiment.”

Could anything be more mischievous than that this kind of impression should obtain in the Army or in the public mind? The same witness continued—

“I think that the abolition of the system of exchanging would be beneficial, because the way in which you occasionally see an officer with good interest manage to dodge his way upwards by exchanging from one regiment into another is most scandalous. Civilians cannot understand it. I recollect perfectly one man on the Staff whom I met in Dublin, who had exchanged so often that it had become quite a joke; when his friends asked him what regiment he was in, he used to call his servant and say, ‘What regiment are we in now?’ He was a man of very good interest, or he could not have done it.”

“The hardest work as well as the most dangerous work is done by poor men.”

But the Report of the Duke of Somerset's Commission was most explicit upon this point. The Commissioners distinctly admitted the inability of the War Department to keep these practices within limits—

“Exchanges from one regiment to another,” the Commissioners said, “and sales to officers on half-pay, facilitate an evasion of the Regulations which the higher authorities of the Army are unable to prevent.”

The noble and learned Lord (Lord Penzance) said that no mischief resulted from the old system of exchanges, and that for this reason no mischief was likely to result if this Bill became law. But it must be remembered that the Bill would do more than restore the old system. It would introduce the purchase and sale of exchanges into a non-purchase Army, which was a widely different thing from the old system. It would deliberately consecrate, with all the solemnity of an Act of Parliament, a system never yet recognized by the law of the land; and this being so, their Lordships must not delude themselves into the belief that they were simply reverting to the state of things which existed before the passing of the Army Regulation Bill. Noble Lords on this side of the House had been severely taken to task for stating their apprehen-

sion that this measure would affect the honour of the British Army. Now, he did not wish to speak lightly of the honour of the British Army. In every calling, however, and in every profession, there was a standard of honour based not only upon unchangeable moral precepts, but upon other considerations much more variable and conventional. In no profession was this more true than of the British Army; and he feared that if their Lordships allowed it to go forth that officers of the Army, when called upon to perform painful and disagreeable duties in out-of-the-way parts of the world, might avoid these duties by paying poorer men to perform them, the standard of honour within the British Army, in so far as it was a conventional standard, would be appreciably lowered, while the estimation in which that Army was held, particularly by those classes from which its ranks were filled, would suffer, and suffer materially. He feared that their Lordships were about to pass a measure which he could not but regard as likely to prove a serious misfortune to the Army and to the country. He was, however, not without hope that such a law would not be allowed permanently to disfigure the statute book; and if, at some future time, no matter how distant, the House was called upon to re-consider this question, their Lordships would be reminded of the solemn protest which those who sat near him would, at the termination of the debate, record against the passing of the Bill.

EARL CADOGAN would venture to say that many of the questions imported into this discussion by the opponents of the Bill did not come within the four corners of the measure. For example, a large portion of the arguments against the Bill were directed against the revival of the Purchase system. Everyone seemed agreed that, as the illustrious Duke had said, exchanges were indispensable to our Army; but as to the re-establishment of Purchase, if he (Earl Cadogan) thought this measure would lead directly or indirectly to such a result, he should decline to support it. It was said that, wherever money passed, a purchase and sale were intended. But exchange and purchase differed materially. In purchase under the old system a new office was acquired and a new emolument; whereas, in paying for

an exchange you acquired neither of these things. Then it was contended that you might purchase not promotion, but the prospect of promotion. Since the abolition of Purchase, however, there was no certain prospect of promotion. It was now a system of seniority tempered by selection. But men would hardly purchase when there could be no certainty of obtaining the promotion desired. Mr. O'Dowd stated that with ordinary vigilance on the part of the authorities the system of exchanges now proposed would not be liable to abuse under the non-purchase system. Considering the recommendation of the Commissioners, the Government were bound to take action in some manner, and he did not see how they could have done so better than by preparing the present Bill. The members of a noble profession had been censured in no measured terms for their desire to see this Bill pass into law, and one of the noble Lords who had taken part in the debate seemed to think that the mere name of money would be enough to make officers in the British Army lose all sense of honour and patriotism. He, however, altogether denied that that would be the case. In order to dispose of the argument that an officer would have a vested right in whatever station he obtained under an exchange, he might mention the case of a lieutenant in the 35th Foot, who in 1845 obtained leave to exchange with a junior officer when his regiment was going to Mauritius. The money was paid; but news arrived soon afterwards of disturbances in Madagascar, and the result was that the lieutenant sailed in the same ship with the officer to whom he had paid the money for the exchange. If the Bill merely allowed liberty of exchange without supervision, it might be open to grave objections; but he felt sure that proper regulations would be made, and entertained no doubt whatever that they would be enforced. He thought that in framing the Bill every care had been taken to guard against the evils its opponents apprehended would arise from its operation, and he should therefore support the second reading.

THE DUKE OF ARGYLL: My Lords, my noble and learned Friend who spoke from this side of the House in favour of the Bill (Lord Penzance) said, he was induced to interpose in this debate in

order to restore it to calmness. My Lords, I must say I think this debate has been on the whole conducted, not only with great ability, but with perfect moderation and good temper; and certainly I shall endeavour not to use any exaggerated language. I confess I have been wholly unconvinced, even by the able argument of my noble and learned Friend, that the Bill will not lead to evil and injurious results. Both sides are agreed, as I understand, that under certain conditions exchanges may be tolerated and permitted. We are both agreed that there may be many circumstances under which it is a matter of perfect indifference to the public service whether a given officer serves in this regiment or in that. Indeed, my noble Friend behind me (Viscount Cardwell) himself made Regulations for the purpose of facilitating exchanges wherever they were considered to be legitimate. I admit, therefore, with my noble and learned Friend, that we have no right to use any arguments which imply that exchanges must necessarily be mischievous; but you have no right, on the other hand, to use any arguments which imply that this Bill is necessary under existing circumstances—because you have yourselves admitted that exchanges are perfectly free on condition that they cost nothing more than the actual expenses incurred. It has been argued that the introduction of sale and purchase into the system of exchanges will make no difference in the conditions of the case. Now, I listened attentively to the speech made by the noble Duke opposite (the Duke of Richmond) in opening his case to-night, and I think I am correct in saying that he adduced no evidence whatever to show either that the Bill would make no change or only a slight one, or that the measure was necessary in the interests of the public service. If it be so, there is no great object in passing the Bill. The only argument which the noble Duke brought forward was that it was exceedingly inconvenient for an officer in the War Office to draw up a schedule of expenses—it was to get rid of that inconvenience and for no other reason that he advocated the Bill. Yet the noble Duke was not wholly consistent in his argument, for he said—

“If your Lordships think the importance of this Bill is to be measured by its length and the number of its clauses, you will be much mis-

taken, but it will contribute materially to the loyalty and contentment of the Army.”

It is plain, however, that this Bill is intended to effect important alterations in the system of exchanges, and that it will introduce a new motive for exchanging. At present exchanges are regulated by the personal convenience or the health of the officers, and they are strictly subject to the conditions imposed by the War Office; but henceforth they are to be regulated by the question of money and price. The illustrious Duke on the cross-benches spoke as if the Bill would make hardly any change at all; but, if so, why did the officers attach so much importance to the passing of the measure? They wished it to pass because, in the language used by Mr. Disraeli in the other House of Parliament, it would stimulate exchanges. Then, I ask, is it consistent with the public service that exchanges should be artificially stimulated by being made the subject of sale and purchase? I cannot understand how it is consistent with the argument used and quoted from the evidence of the illustrious Duke on former occasions that exchanges are in themselves an evil, and that the regimental system of the British Army consists essentially in the connection—the almost family connection—between the officers of a regiment and their men; and that the discipline and efficiency of the Army would be injuriously affected by a breaking up of that system. But this Bill will make the officers a fluctuating body, and thus the regimental system will lose its distinctive advantage. We are bound in the interest of the public service to see that riches as such shall not give a great and fatal advantage to the rich over the poor. An argument used by the noble Lord the Foreign Secretary to-night, which I have often heard “elsewhere,” has a certain force; and it is this that this Bill, whatever you may say of it, is popular with the poorer officers. To a large extent I believe that is true. The reason of it is plain. The poorer officer who has his exchange to sell will be no doubt a gainer by this Bill; but when he comes to buy his exchange he will be a loser by the exchange—because this Bill will unquestionably raise the price of exchanges. Each man, it is true, trusts to his own luck, and does not look to the latter contingency. But a poor man will have

*The Duke of Argyll*



little chance of exchanging from an unhealthy climate, for undoubtedly the Bill will have the effect of raising the price. This is the way in which it is proposed to consult the interests of the poorer officers of the Army. But it is said that the Regulations will prevent mischief from arising. My Lords, I do not think it will be possible for the illustrious Duke by any Regulations he may make to prevent the making up of purses by officers to induce officers who are before them to exchange into other regiments. This Bill will, for the first time, formally give the sanction of Parliament to the doctrine that money is to be made by the sale of exchanges of posts in the Army. I quite admit that this Bill will not re-introduce the old system of Purchase;—it will not enable one officer to buy over the head of another; but this it will do—it will introduce a sense of property among officers in the positions which they hold in the Army; and I am bound to say that that argument seemed greatly strengthened by the speech of the noble Earl the Foreign Secretary. The most stringent regulations in the old Indian Army system, and as to our own Regulation prices, could not prevent the evils arising against which they were intended to guard, nor will they do so in the present instance. Our officers, as a body, are poorly paid; and instead of passing a Bill to enable the poorer officers to increase their incomes by exchange, I think it would be infinitely preferable to give them better pay. I most heartily agree with my noble Friend (Viscount Cardwell) in desiring that this Bill should be rejected by this House. I know very well that is a conclusion we cannot hope to attain. I believe this Bill will pass, and I can only say I earnestly trust it will never become necessary to retrace the step. I think it would be most unbecoming and most injurious to the public service if we on this side of the House should hold out any threats that when changes of Government occur in the course of time we shall do this and the other. I trust we are not actuated by a desire to do anything that is not for the good of the officers and the welfare of the Army. If our predictions are undeserved and it proves that the mere regulations of the War Office can prevent the continuous pressure which arises from the accumulation

of personal and private interests we shall be happy in the failure of our anticipations. But if it shall be found, on the other hand, that this system leads to underhand negotiations which it is impossible for you to oversee or to suppress, then unquestionably there will be changes made—and made probably with the authority of the Crown and Parliament—in order to meet the necessities of the case. I regret this because I think it important above all things that this question should be permanently settled in order that in the Army a feeling of contentment may spring up, based upon the conviction that a final settlement has been reached. I cannot see that this feeling is likely to arise from the passing of the present Bill; but, at the same time, I repeat my hope that our prophecies may prove unfounded.

THE EARL OF DONOUGHMORE supported the Bill, which he regarded as a measure of justice to the officers of the Army, and therefore likely to produce a feeling of contentment. Nothing could be more injurious to the Service than to permit a spirit of discontent to continue in existence when it could be removed by adopting a course that would confer a boon upon a large class, and, at the same time, tend to the advantage of the Service. The subject had been very carefully considered by a body of most able and impartial Commissioners, and the time that had since elapsed had enabled the Government to embody their recommendations in the present measure. He hoped it would pass. In his opinion, young men would hesitate to join the Army if exchanges were not allowed.

EARL GRANVILLE: My Lords, although this debate has already extended to a considerable length, perhaps you will bear with me while I make a few observations in defence of the vote which I intend to give this evening. I paid particular attention to the speeches made by my two noble Friends the Members of Her Majesty's Government, and I gather that, in their opinion, exchanges are so necessary and so beneficial that it is not sufficient they should be permitted under proper supervision, but that an additional stimulus should be applied in the shape of sums of money to be paid by the richer to the poorer officers. I also gathered that the agencies to which they trust for the proper administration of the system are an inquiry

on the one hand, and the discretion of the military authorities on the other. The noble and learned Lord (Lord Penzance) seemed to think we were disposed to make attacks upon him and his Colleagues on the Royal Commission. So far as I am concerned I entirely disclaim any such intention. I think it would be most unjust and excessively ungrateful on the part of those who had the honour to represent the late Government in this House to make attacks on the gentlemen who at the request of that Government, and in deference to the command of the Queen, undertook an onerous and in some respects an invidious duty. I may, perhaps, recall the circumstances under which that Commission was issued. Very loud complaints were made by officers that they were ill-treated under the new Army Regulations. Your Lordships were so impressed with the justice of those complaints that you agreed to an Address to the Queen for the issue of a Commission of Inquiry. That Commission was appointed, not on the merits of the case, but from a sincere respect for your Lordships who voted for the Address in such large numbers, and from an earnest wish to do something towards soothing the feelings in the officers of the Army. The Commission agreed in the main with the late Government; but a question arises as to their authority to make the particular recommendations on which the Bill is founded. My noble and learned Friend says he came to the inquiry perfectly ignorant of the subject before him. Well, what persons were examined before the Commission? A series of officers, some of the highest distinction, who all acted really as counsel for exchanges, and not one word of evidence was given the other way:—so that it is not remarkable if the noble and learned Lord and his Colleagues, admirably adapted though they were to consider the points referred to them, should in a matter concerning the discipline of the Army have made a mistake. The noble Duke (the Duke of Richmond) says you must do one of two things—you must either vote for this Bill or declare your belief in the incompetency of the military authorities and that in that case the sooner they are changed the better. Now, I admit that. I do not know any one who so well understands all the different parts of the Army as the illustrious Duke; I do not know one who has

*Earl Granville*

worked with greater zeal and anxiety to promote its efficiency and welfare; but because he tells us that he is determined to watch over the system of exchanges with the same strictness he has hitherto displayed—because he tells us he will maintain that strictness to the uttermost—is that any reason why I should vote for a Bill which is not limited to the duration of the illustrious Duke's possession of office, but establishes a principle which I think will be most injurious for the future? And with regard to confidence in the military authorities, I must say it is much more likely that the Government will fail in that confidence than that we on this side should do so. It has already been remarked that the Prime Minister tells us it is necessary to encourage and stimulate exchanges; but what says the illustrious Duke? He says that exchanges are detrimental in themselves to the Army, following the Duke of Wellington, Viscount Hardinge, and Lord Clyde, whose remarkable evidence was quoted to your Lordships by my noble Friend the noble Viscount (Viscount Cardwell). But the illustrious Duke went still further, for he said that he should watch the system most strictly, and that it was not his intention that more exchanges should take place than have been made hitherto; and he said he should inquire whether excessive sums of money were paid—although that is contrary to the declaration of the Secretary for War that he was determined to know nothing as to whether the sums were large or small. The noble Earl the Secretary of State for Foreign Affairs said, as one of his principal arguments in favour of the Bill, that officers were poor, and he looked to the system of exchanges as a mode of remunerating them. Now, first of all, I hold that system of remuneration is as bad as any one can conceive, but what comes of that argument if the illustrious Duke is to keep the number of exchanges the same as at present? The noble Duke (the Duke of Richmond) referred to the opinion of "the Intelligent Foreigner." Now, I do not know of any foreign Army except the French which tolerates exchanges, and in the French Army practically the resemblance is much greater to the system of my noble Friend the noble Viscount than to that which it is now proposed to sub-

stitute. It is, I know, the opinion of some of the most eminent French military authorities that the system of exchanges in the French Army had in the last war a very bad effect; it destroyed to a very great degree the *esprit de corps* of the French regiments. My Lords, we do not object to exchanges. We have sanctioned exchanges in various departments of the Public Service. The only question is, whether in the Army alone the passing of money should be legalized between officers in order to promote exchanges. I have at different periods held various offices in the State, as Secretary for the Colonies, Foreign Minister, and President of the Council. I have often been applied to to sanction exchanges, and my answer has always been—"You have been a good officer; when there is a vacancy I will take care to put the new man in your place and you in a more southern district." But, what would have been my feelings if I had learnt that £500 had been pocketed by either of the parties on the occasion of the exchange? The noble and learned Lord (Lord Penzance) stated that these persons had established a grievance, and the only alternative the Commission had was either to ignore the grievances of the officers or to make the recommendation they did. I do not think that was the only alternative. If it were a pecuniary grievance it would have been easy to recommend a money compensation, or another thing which might be perhaps more difficult—that this compensation should be continued to the officers who had entered the Service before Purchase was abolished. The noble and learned Lord repelled with some indignation the idea that the Commissioners recommended a course which would be pernicious to the British Army; and in the only part of his speech in which there was any warmth referred to the word "huckstering" as applied to officers who might take advantage of this system. He said that a thing which had not happened for 100 years was not likely to occur in the future. But my noble Friend the noble Marquess (the Marquess of Lansdowne) read just now a sentence from a noble Lord of high authority on the subject, saying how impossible it was for the military authorities to check abuses under the circumstances referred to. But in the very sentence before I find such words as these—

"A mercenary spirit is created in men whose guiding principle should be a nice sense of honour and a loyal attachment to the Service."

These are words which I do not wish to adopt; but coming from such high authority, they do not justify the noble and learned Lord in what he has said. Now, with regard to the noble profession of arms, I venture to say that there is no one who has more respect for the British officer than I have. I will remind your Lordships of what the British Army is in time of danger. At the outbreak of the Ashantee War a young officer volunteered for the service. Immediately afterwards one of the most eminent surgeons in this town, hearing of the fact, wrote to him, saying, "You know that I know you well. If you go to the West Coast of Africa it is simply death." Well, my gallant young friend put that letter in his pocket, did not tell one of his friends or relations about it, but wrote back to the surgeon that it was too late to change his plans. He went out—but did not return. That young man was the heir to a high fortune and to a seat in this House; but the minute he heard that fighting was going on he determined to go out. I do not mention this because he was a friend of mine or of any of your Lordships, but as a type of what the British officer feels when fighting is going on. But it is not only the British officer, but the British non-commissioned officer also: and, as for the British soldier, we sometimes hear complaints of the difficulty of recruiting. But the illustrious Duke will tell your Lordships that once there is war recruits come in abundantly. Therefore, I will not say a word against the British Army once there is a question of fighting. But when the question is one of irksome duty I will not say that the same readiness is found; and I am sure it is a mistake for Her Majesty's Government and the Legislature of this country to invent artificial modes of stimulating the desire of retiring from the Army. I have not a hope of the possible rejection of this Bill; but I should be wanting in my duty to my noble Friend behind me and to myself if I did not by my vote to-night utter a solemn protest against this most pernicious and unnecessary Bill which has been presented to your Lordships this evening.

THE MARQUESS OF SALISBURY: My Lords, as it seems to me, the debate this

evening has divided itself into two main classes of arguments—those which affect, or are deemed to affect, the honour of the Army, and those which affect the interests of the public service. My noble Friend who has just sat down (Earl Granville) has set an example which if it could have been acted upon retrospectively would have had a most salutary effect on the debates in this House, and much more on the debates in “another place.” No word was used by my noble Friend which could be justly complained of as impugning the honour of the British Army in relation to the provisions of this Bill. But that has been far from the tone adopted by many opponents of the Bill in “another place;” and I wish to ask on what grounds this charge of dishonour to the officers of the British Army, arising out of the practice of exchanges, can be justified? In the minds of many who have argued this question, we seem to be dwelling in some romantic and ideal country where the notion of money payments has been entirely divorced from the military profession. Nay, from the high tone occasionally adopted, my impression is that some persons have persuaded themselves for the time that we live in an age when men in every profession perform their public duties and shrink from contact with filthy lucre as any reward for what they do. Now, I fear that the time when the British soldier shall do his duty to the State and expose himself to hardships in a spirit *procul negotiis ut prisca gens mortalium* is very far from the day in which we live. Lest, however, our spirits should thereby be discouraged as to the present or future honour of the British soldier, let us remember that the same facts apply to other illustrious professions. I have heard that lawyers and doctors do not disdain to take fees; I believe that even Cabinet Ministers occasionally pocket their quarter’s salary; and I cannot think that any practical advantage is derived by assuming that the British soldier performs his duties in disregard of any pecuniary rewards. If that is the case, what is the disgrace and dishonour of exchanges? The service undertaken by the British soldier is composed of rough and smooth. Every man who has engaged to serve the Queen engages to take his portion of rough—that is to say, the portion which by the practice of the Service naturally

falls to him—and if he demanded extra payment for this share of duty he would be unreasonable, perhaps even dishonourable. But if, besides this natural proportion of rough, he takes another portion of rough, why is he more dishonourable for asking to be paid in respect of this second portion than he was for taking his original pecuniary reward for the first portion? He is paid by the man who derives the benefit and not by the State. If to do this work for money is like the loss of integrity in a statesman or loss of virtue in a woman, the same stigma applies to every Indian official who takes his furlough and leaves behind him an official substitute to perform his duties. A good deal of pity was expressed for those unfortunate men who, in the Army, perform additional work for additional remuneration. I was struck by the romantic tenderness expressed for them by the noble Viscount (Viscount Cardwell), and the noble Marquess (the Marquess of Lansdowne), whose tenderness was only exceeded by the eccentric mode in which they bestowed it. They wish to minimize the difference between rich and poor; and we were told in an eloquent speech in “another place” that wealth is already a sufficient power, and ought not to be assisted in establishing a predominating influence over the poor. The way in which you carry out this benevolent theory is to say to the poor officers in the Army—“You might if you were left alone have got £1,000 by means of an exchange; but we are so determined to assist you that this £1,000 shall not henceforth go into your pockets.” The noble Viscount, however, had in his budget some solace for the poor man deprived of his £1,000. He said—“Only think! If you abstain from earning this money, you will establish another argument in favour of an addition to your pay, and may induce a future Chancellor of the Exchequer to add to the Estimates for that purpose.” Now I should like to take a *plébiscite* of the poor officers upon this question—whether they prefer the privilege of exchanging or the prospect that some future Chancellor of the Exchequer may add a penny to the Income Tax for the purpose of increasing the officers’ pay. Then we have heard this evening once more of “the Intelligent Foreigner.” As he appears upon the stage, I should

*The Marquess of Salisbury*



like to know what he would think of the character of the British Army as it has been depicted in these debates? In the first place, it appears from the speech of the noble Lord who in the last Parliament represented the War Office in this House (the Marquess of Lansdowne), that all the rich men will get into the smooth and all the poor men into the rough places. In other words, the general impression would be that the rich men of this country, or such of them as take to the profession of arms, are universally afflicted with a desire to escape from all that is disagreeable in their duty.

**THE MARQUESS OF LANSDOWNE:** What I said was that those who were able to buy exchanges were likely to gravitate naturally towards the smooth places.

**THE MARQUESS OF SALISBURY:** My impression was that the noble Marquess went a step farther and described what that process of gravitation would result in. At all events, the impression left by the debate upon the mind of any Intelligent Foreigner must be that the richer officers in the English Army are particularly anxious to spend their military career upon the pavement of Pall Mall, while the poorer officers are so anxious to get money from their richer comrades that, impose what regulation you will, their subtlety, cunning, and unscrupulousness will be more than a match for regulations. They will all combine, they will all conspire, they will all lie, they will all perjure themselves, to obtain this money. ["Hear!"] Well, I am merely placing on the language used a construction which it is open to any Member of the House who has listened to the debate to verify. What was meant when we were assured again and again that the Regulations would be nugatory? If they were of no use they must be evaded in spite of solemn declarations and in combination, and does not this point to the conspiracy, lying, and perjury of which I have spoken? These things are justified by an appeal to experience. Now, the experience, I venture to say is false, and the inference drawn from it is unjust. We are told that, do what we will, the accumulated pressure of private interests will drive aside any regulations which the military authorities may make, and in justification of this doctrine the his-

tory of the Indian Bonus is quoted. I assert that if in any case illicit and illegitimate rights have gradually grown up until their illegitimate character has been cast aside—if prohibitions which the State has fulminated have been disregarded, and if the disregard has ultimately been crowned with State approval—I will venture to say that it was the result of no pressure or combination of private interests, but was simply due to the fact that in each case the State thought it saw a good bargain before it and preferred that so it should be. This was the case with regard to the bonus of the East Indian Army. The Directors of the East India Company tried at first to discourage it, and it maintained itself in a hazardous sort of way without any real and recognized position; but as time wore on the Directors became wiser, and found that it would be a hopeless difficulty without such a system to insure a proper flow of promotion by speedy retirement. Bear this in mind, then, that the system was allowed to grow up by the Directors of the East India Company, because they saw in it an advantage to their treasury and a benefit to their service. Do not assume, therefore, that it was because the officers were false to their oaths that this system attained the position it ultimately reached. The objection that the present measure will introduce pseudo-purchase has been so fully dealt with that I need not refer to it at any length. The answer to it is that as long as you have a system of selection any system of Purchase is impossible. I know it was said in the other House of Parliament that selection is practically dead, and that seniority is all in all. Well, some of us a few years ago prophesied that would be the case; but I refuse to believe that it is the case so soon as this. If it be true, however, that pure unmitigated seniority has fixed its grasp on the British Army, no system of Purchase which you can devise would be so fatal to the public interest as a system which would produce officers of high rank with exhausted minds and bodies, and in the lower ranks of officers permanent discontent. It is very difficult for those who scrutinize the advocacy of noble Lords opposite to ascertain what doctrine they hold; but I apprehend that the general sense of this House, and certainly the general sense of the military authorities, is that ex-

changes are an absolute necessity. The illustrious Duke on the cross-benches has used language which has been much quoted in reference to this subject. He said they were an inevitable evil—meaning not that he would wish under existing circumstances to prevent them, but that they are a necessary consequence of an Empire extending over so many climates as ours. We have to send men to Canada, China, and India. The men who have chests cannot go to Canada; the men who have livers cannot go to India. Most reasonable men will agree that if a man is not fit for the climate of India it is better to send him to a climate where he will be fit for service. Assuming, then, that exchanges are necessary, how are they to be obtained? Noble Lords opposite seem to assume that they will always come of themselves, and that there will always be an officer in England who wants to go to India for every officer in India who wants to come to England. This assumption is contradicted by the figures, which show that in the two years before the abolition of Purchase there were 159 exchanges, and only 97 in the two years following the abolition. The truth is that the difficulty of getting men to serve in India is still considerable. It is known to the illustrious Duke on the cross-benches that even now in the native Army of Madras there are as many as 30 vacancies among the local officers, while there are no candidates to fill them. Even with the high pay of India as compared with that of England there is no great pressure for exchanges. If you intend to keep up exchanges you must allow a free course of monetary considerations to act upon those who desire exchange. You must remember there are expenses which the War Office can never estimate. The noble Viscount was very confident that there was some accomplished person within the walls of the War Office who would be competent to say what amount of under-clothing ladies would require. Well, the noble Viscount, I dare say, is well acquainted with and could lay his hand upon that competent man, but evidently my right hon. Friend is not yet acquainted with him. But there is one thing which this accomplished man would not be able to ascertain, and that is the amount which an officer would have to add to his insurance when he leaves this country. That is a legitimate expense.

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On going to India he would have to pay a much higher premium. That money cannot be found by the State—it cannot be found by the outgoing officer—it can only be found by the officer who benefits by the exchange. In fact, it is impossible to estimate or control these expenses. The truth is that we have been sailing all along in very low latitudes. We have heard a great deal of the feelings of officers and very little of the interests of the public service. We have heard much of what the poorer officer would feel when he found he was unable to rise on account of his poverty; but I cannot admit that a feeling of that kind can legitimately be entertained on a question of this kind. If exchanges and the encouragement of exchanges are good to the public service, I do not care whether the system helps the rich man to Pall Mall and condemns the poor man to India. I do not care what theories in policy it violates; I do not care what sensitiveness or jealousy it may cause. If it is good for the public service that it should be so, all these considerations must be disregarded. My noble Friend the noble Marquess who represented the War Office in the last Administration (the Marquess of Lansdowne) told us what a fearful thing it would be if some Mephistopheles in the shape of an agent should tempt a young man to abandon the very glorious career that was opening before him in India. All my sympathies are with that young man. I think it is for the good of the public service that that young man should be tempted from a career for which he is obviously unfit, and relegated to the atmosphere of Pall Mall. Speaking as an Englishman, and in the interests of the public service, I should not much regret it. I will venture before I conclude to notice one mistake into which the noble Earl opposite fell in the course of his remarks. He told us about an Intelligent Foreigner, and that the Intelligent Foreigner was on his side, because exchanges were permitted in the French Army, and the French Army was not successful in the late war. I am speaking on very high authority when I say that exchange is permitted in the Prussian Army; and if that is the case, I am afraid the noble Lord made a mistake in the inference he drew, for whatever effect exchanges have had in the French Army, they have obviously had a good

effect in the Prussian Army. The hour is too late to permit me to continue this argument; but I will only venture, in conclusion, to urge upon you that, trivial as this measure may in some of its aspects seem to be, it is a matter of much importance, worthy of your serious attention and of your decisive verdict. The earnestness with which the measure has been debated shows that it is not its mere apparent value you are requested to estimate. If you pass it you will pronounce a condemnation which is much needed upon the application of theoretic and pedantic formulas to the practical interests of the British Army. Philosophers produce splendid chimeras in their closets, and if those philosophers had power in the Legislature they would try to apply their chimerical views to the practical interests and wants of the State. It is for your Lordships, judging of these matters with impartial mind, to check a tendency which threatens much evil to the public weal. And you have another duty to perform. This Bill has been recommended to you by high authority. That it has been supported by large majorities in the other House, and by the unanimous voice of the Commission, will commend it to your prudence, and you will not be sorry to be able to grant a boon to a portion of an Army which, in recent arrangements, has been somewhat neglected—perhaps I may say has been hardly dealt with. It will be no small recommendation to you that this boon will be accepted by the Army with gratitude. But you must remember that it has been opposed by arguments, assertions, and vituperations of which it is not too much to say that they are base calumnies on the Army of which they were spoken. It is for you now, not by a narrow, but by a great majority, to place your stamp of condemnation upon those false assertions, and in giving a well-deserved boon to an Army which has so long adorned its country's annals to declare that in your estimate its reputation is as high, and its honour as untarnished as it has been through many centuries of fame.

On Question, That ("now") stand part of the Motion? Their Lordships divided; Contents 137; Not-Contents 60: Majority 77.

*Resolved in the Affirmative.*

Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on Tuesday next.

### CONTENTS.

Cairns, L. ( <i>L. Chancellor.</i> )	de Vesci, V.
Beaufort, D.	Exmouth, V.
Buckingham and Chandos, D.	Gough, V.
Grafton, D.	Hardinge, V.
Leeds, D.	Hawarden, V. [ <i>Teller.</i> ]
Manchester, D.	Hood, V.
Northumberland, D.	Hutchinson, V. ( <i>E. Donoughmore.</i> )
Richmond, D.	Strathallan, V.
Somerset, D.	Templetown, V.
Wellington, D.	
Bath, M.	Gloucester and Bristol, Bp.
Bristol, M.	Rochester, Bp.
Bute, M.	
Cholmondeley, M.	Abercromby, L.
Exeter, M.	Abinger, L.
Hertford, M.	Bagot, L.
Salisbury, M.	Bateman, L.
	Bloomfield, L.
	Boston, L.
Abergavenny, E.	Brancepeth, L. ( <i>V. Boyne.</i> )
Amherst, E.	Braybrooke, L.
Bandon, E.	Brodrick, L. ( <i>V. Middleton.</i> )
Bathurst, E.	Carleton, L. ( <i>E. Shannon.</i> )
Beauchamp, E.	Castlemaine, L.
Bradford, E.	Clanbrassill, L. ( <i>E. Roden.</i> )
Brownlow, E.	Clifton, L. ( <i>E. Darnley.</i> )
Cadogan, E.	Clinton, L.
Cawdor, E.	Colchester, L.
Clonmell, E.	Colville of Culross, L.
Denbigh, E.	Conyers, L.
Derby, E.	Crofton, L.
Doncaster, E. ( <i>D. Bucleuch and Queensberry.</i> )	De L'Isle and Dudley, L.
Ellesmere, E.	De Mauley, L.
Feversham, E.	Denman, L.
Fitzwilliam, E.	de Ros, L.
Fortescue, E.	De Saumarez, L.
Haddington, E.	Digby, L.
Hardwicke, E.	Dormer, L.
Harewood, E.	Dunboyne, L.
Harrowby, E.	Dunmore, L. ( <i>E. Dunmore.</i> )
Jersey, E.	Dunsany, L.
Lanesborough, E.	Ellenborough, L.
Lonsdale, E.	Elphinstone, L.
Lucan, E.	Forbes, L.
Malmesbury, E.	Forester, L.
Nelson, E.	Foxford, L. ( <i>E. Limerick.</i> )
Poulett, E.	Grinstead, L. ( <i>E. Ennis-killen.</i> )
Powis, E.	Hampton, L.
Romney, E.	Harris, L.
Rosslyn, E.	Hartismere, L. ( <i>L. Hen-niker.</i> )
Sandwich, E.	Hawke, L.
Shrewsbury, E.	Heytesbury, L.
Vane, E. ( <i>M. Londonderry.</i> )	Inchiquin, L.
Verulam, E.	Ker, L. ( <i>M. Lothian.</i> )
Waldegrave, E.	Leconfield, L.
Westmorland, E.	
Wicklow, E.	
Wilton, E.	
Bangor, V.	

Lovel and Holland, L. ( <i>E. Egmont.</i> )	Stewart of Garlies, L. ( <i>E. Galloway.</i> )
Manners, L.	Saint Leonards, L.
Ormonde, L. ( <i>M. Ormonde.</i> )	Stratheden and Campbell, L.
Penrhyn, L.	Strathnairn, L.
Raglan, L.	Strathspey, L. ( <i>E. Seafield.</i> )
Rivers, L.	Templemore, L.
Romilly, L.	Tyrone, L. ( <i>M. Waterford.</i> )
Rossmore, L.	Ventry, L.
Saltoun, L.	Vernon, L.
Sandys, L.	Vivian, L.
Silchester, L. ( <i>E. Longford.</i> )	Walsingham, L.
Skelmersdale, L. [ <i>Teller.</i> ]	Willoughby de Broke, L.
Sondes, L.	Winmarleigh, L.
Stanley of Alderley, L.	

## NOT-CONTENTS.

Devonshire, D.	Dinevor, L.
Ailesbury, M.	Elgin, L. ( <i>E. Elgin and Kincardine.</i> )
Lansdowne, M.	Eliot, L.
Ripon, M.	Emly, L.
Abingdon, E.	Hammond, L.
Airlie, E.	Hare, L. ( <i>E. Listowel.</i> )
Cathcart, E.	Hatherley, L.
Clarendon, E.	Houghton, L.
Cowper, E.	Lanerton, L.
Granville, E.	Lawrence, L.
Innes, E. ( <i>D. Roxburgh.</i> )	Leigh, L.
Morley, E.	Lisgar, L.
Spencer, E.	Meldrum, L. ( <i>M. Huntly.</i> )
Sydney, E.	Monson, L. [ <i>Teller.</i> ]
Canterbury, V.	Monteagle of Brandon, L.
Cardwell, V.	Mostyn, L.
Powerscourt, V.	O'Hagan, L.
Aberdare, L.	Ponsonby, L. ( <i>E. Bessborough.</i> )
Annaly, L.	Robartes, L.
Ashburton, L.	Rosebery, L. ( <i>E. Rosebery.</i> )
Auckland, L.	Sandhurst, L.
Belper, L.	Sefton, L. ( <i>E. Sefton.</i> )
Blachford, L.	Selborne, L.
Boyle, L. ( <i>E. Cork and Orrery.</i> ) [ <i>Teller.</i> ]	Strafford, L. ( <i>V. Enfield.</i> )
Brougham and Vaux, L.	Sundridge, L. ( <i>D. Argyll.</i> )
Camoys, L.	Vaux of Harrowden, L.
Carew, L.	Waveney, L.
Carlingford, L.	Wolverton, L.
Carrington, L.	Wrottesley, L.
Coleridge, L.	
Crewe, L.	

House adjourned at half past Twelve  
o'clock, to Monday next,  
Eleven o'clock.

## HOUSE OF COMMONS,

Friday, 7th May, 1875.

MINUTES.]—WAYS AND MEANS—considered  
in Committee—LICENCES AND DUTIES.  
PUBLIC BILL—Committee—Report—Public  
Health\* [55-157].

LAW AND JUSTICE—THE WORTHING  
MAGISTRATES.—QUESTION.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, Whether his attention has been called to a statement in the newspapers, that a child of seven years old had been sentenced by the Worthing magistrates to three months' imprisonment for stealing some sugar plums and fourpence in money; and, if he will cause inquiry to be made in regard to the case?

MR. ASSHETON CROSS, in reply, said, his attention had been called to the case in question, and from the result of his inquiries it appeared that the facts were rather peculiar and he should wish to offer an explanation. It seemed that the father of the boy resided in High Street, Worthing, in a corner shop, but he carried on no business. He was an habitual drunkard, and since the death of his wife, four or five years ago, his five children had been grossly neglected. In January, 1874, he was convicted and sentenced to 21 days' hard labour for neglecting to maintain them. On the hearing of the charge now in question he did not appear, but his housekeeper did, and instead of protecting the little boy she tried to make him out as bad as she could. On the same day a younger child of the man died, and at an inquest held upon it on Friday last, it appeared that though it had not been starved to death, yet death was accelerated by want of food. The Coroner severely censured the father. There was no mode of removing the child from the evil influences of home other than that adopted, for the boy, being under 10 years of age, could not be sent to a reformatory school. The report of the magistrates was that what had been done by them in sentencing the boy was an act of kindness to remove him from the evil influences which had surrounded him. His gaoler wrote that he concluded that the sentence upon the boy was intended as an act of kindness; and that he had requested the attention of the schoolmaster and the chaplain to his case. He added that he did not think that it would have been any use sentencing such a boy to a reformatory school, as there was none such that would receive him for some time to come. He also said that the boy should



receive all proper kindness, and every effort should be used to reclaim him.

#### COAL MINES—COLLIERY EXPLOSION AT BUNKER'S HILL.—QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, Whether he will instruct counsel to attend the coroner's inquest about to be held to ascertain the cause of death of the forty-two persons who lost their lives in the Bunker's Hill Colliery, North Stafford, on the 30th ultimo; whether he is aware that up till a recent period the coal was all worked without the use of blasting powder, and if it was only so got by the miners or colliers; and, whether he will state if a change in the mode of working has been made, it is done with the consent and full concurrence of the District Inspector?

MR. ASSHETON CROSS, in reply, said, he had already stated that the fullest inquiry should be made as to the causes of this lamentable catastrophe. He had nothing to add to that, except that precisely the same course would be taken in this case as was adopted in the case of the Dukinfield explosion, and other similar cases, and which had proved entirely satisfactory to everybody concerned. With regard to the two latter parts of the Question, he had caused inquiries to be made, but had not yet received the answers.

#### THE PREROGATIVE OF PARDON. QUESTION.

MR. HANBURY asked the Under Secretary of State for the Colonies, Whether it is intended to take any steps to assimilate in the various Colonies the procedure in reference to the exercise of the prerogative of pardon?

MR. J. LOWTHER: Sir, respecting the exercise of the prerogative of pardon, further Papers will shortly be presented to Parliament, by means of which the views of Her Majesty's Government upon this subject will be fully explained.

#### PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS — WHITSUNTIDE HOLIDAYS.—QUESTION.

COLONEL BARTTELOT asked the First Lord of the Treasury, Whether he is able to state to the House the course of Business during next week; and also

whether he will state on what day the Whitsuntide holidays will commence, and how long they will be allowed to remain away?

MR. DISRAELI, in reply, said, he should probably be able to announce on Monday the course of Business for the week. He proposed that the House should rise for the Whitsuntide holidays on Thursday, the 13th instant, and meet again on Thursday, the 20th.

#### WAYS AND MEANS—FINANCIAL STATEMENT.—COMMITTEE.

WAYS AND MEANS *considered* in Committee.

(In the Committee.)

##### 1. *Brewers Licences.*

Motion made, and Question proposed,

"That in lieu of the Duties payable on Licences to Brewers of Beer for Sale (other than Brewers of Spruce or Black Beer) there shall be charged, collected, and paid on such Licences to be taken out on and after the first day of October, one thousand eight hundred and seventy-five, the following Duties (that is to say):

£ s. d.

For and upon every Licence to be taken out yearly by any Brewer of Beer for Sale,—

If the quantity of Beer brewed within the year ending the thirtieth day of September next preceding shall not exceed fifty barrels, the Duty of 0 12 6

If the same shall exceed fifty barrels, then for every fifty barrels and for any fractional part or number of an entire quantity of fifty barrels, the Duty of 0 12 6

And for and upon every Licence to be taken out by any person who shall first become a Brewer of Beer for Sale, the Duty of 0 12 6

And there shall also be charged upon and paid by the last mentioned person in respect of his Licence, such further sum as with the said Duty of Twelve Shillings and Sixpence shall amount to the Duty which would be chargeable on a Licence for a quantity of Beer equal to the quantity brewed by him during the existence of his Licence, and such further sum shall be paid within ten days next after the expiration of the Licence."—(Mr. Chancellor of the Exchequer.)

MR. GLADSTONE: Sir, I believe that I am correct in supposing that I shall be perfectly in Order in offering, on the present occasion, such general observations

upon the Financial Statement of the Chancellor of the Exchequer for the year as may appear to me to be required, although the immediate question before the Committee only refers to the proposal with regard to Brewers' Licences, and I shall accordingly proceed to make these observations. Sir, I was very glad last year, when my right hon. Friend the Chancellor of the Exchequer approached the consideration of his annual arrangements under circumstances of great disadvantage, to allow that, from his point of view, there was very little to complain of in his Budget. The plan of finance which we had meditated and proposed to the country had been rejected by a majority of the constituencies, and a different plan of finance with a different scale of expenditure were adopted by the incoming Government. It has been frequently stated—and it was even supposed by some—that the Estimates of the present Government last year were the Estimates that had received the sanction of the preceding Government, but that is an entire mistake. They were Estimates, nodoubt, which were in preparation in the Departments for the judgment of the preceding Government, but they were not Estimates which had received the sanction of that Government, for no decision had been taken upon their proposed amount when Parliament was dissolved. However, I very much wish that I could have repeated or that I could have indulged in the use of similar language on the present occasion, or, better still, have refrained from troubling the House with any observations of mine as to the finances of the year. I must own I was under the expectation when my right hon. Friend was about to make his Statement, that he must necessarily present a Budget of extremely small dimensions and of exceedingly small interest, because when it was found that his expenditure was large and that his means were narrow, there was very little that could possibly be expected from him, and under those circumstances the House could hardly claim credit for over-indulgence in submitting to the necessity of the case, and allowing the Chancellor of the Exchequer to travel quietly forward without attempting plans which would afford relief or challenge criticism. But I am bound to say that there are a number of points in the Budget, small as is its scale, which call for remark—in

*Mr. Gladstone*

some cases, for approval; in some, for inquiry; and in others for criticism or disapproval. I wish, in the first place, to say a word on the subject of the income tax. It is one of such great importance that it is exceedingly desirable the House of Commons and the country should understand with precision the ground taken by the Executive Government in regard to this most important impost. Now the impression has gone abroad that my right hon. Friend intended to convey in his speech that the Government had considered the matter, and did not now propose a merely annual renewal of the tax at 2*d.* in the pound, but that it was a matter which ought to culminate in that form, not necessarily permanently, but only as an impost of which that ought to be considered the normal condition in time of peace. Well, it is desirable that that should be understood, because that was certainly not the impression that would have been formed by any Gentleman who conceived that the present Government drew its inspiration in this matter from the right hon. Gentleman the Member for Buckinghamshire, because at the time when he issued his address to the electors of Buckinghamshire, and when the then responsible Advisers of the Crown had pledged their responsibility for the removal of the income tax, the right hon. Gentleman gave it to be understood that not less was to be expected from him in that respect than from the then Government, for, says he—

“The principal measures of relief will be the diminution of local taxation and the abolition of the income tax, measures which the Conservatives have always favoured and which the Prime Minister has always opposed.”

I must admit that was a piece of history, like many pieces of history which have proceeded from the same quarter, which was entirely new to me and had not been embraced in my narrow studies. But apart from history I look to opinion, and I should like to know whether it is the opinion of the Government—for which my right hon. Friend on that assumption has already received great credit from the one really great financial authority—*The Economist*—and there is nothing invidious towards other journals in speaking of that as the leading organ in financial matters—he has, I say, received great credit for having thrown over the false and erroneous doctrine held by former

Administrations, and laid down the doctrine that the income tax is now to be regarded as a permanent part of the finances of the country. Well, if so, I wish to know what was the meaning of the words of the right hon. Gentleman the Member for Buckinghamshire, and whether we may now dispense with further consideration of them, they having served the purpose they were intended to promote? I have no fault to find with the Government if that be their decision. My own opinion of the income tax is, that it ought to be abolished when by economy, and without economy it never can be done—by a policy of economy, instead of a policy of very free and large expenditure, and by the vigorous vitality of the resources of the country, its abolition can be effected. There never were but two occasions when that step could be taken. One was in 1845; but at that time Parliament determined, and I think wisely, to retain the income tax, and made it the instrument of most important and vital reforms in our finance: the other was last year, when it was offered to the country, and when either the country—or, what is called the country, the majority of the constituencies—advisedly rejected the offer, or else were charmed by the incantations of the right hon. Gentleman the Member for Buckinghamshire into the belief that the same result would occur, but that other hands would bring it about. And I must say I cannot help looking with a degree of compassionate interest on a great variety of communications which now reach me from what are called Income Tax Repeal Associations. Those associations are under the chairmanship of Conservative Members of Parliament, and were so at the time of the General Election last year. I am sorry that these communications—some of which reached me so lately as yesterday—are about 15 months' too late; for, unfortunately, it is not in my power, whatever my disposition may be, to give effect to the views they express—not that I blame any man for that, or that his opinions differ from mine. Well, Sir, with respect to the Brewers' Licences, which is the immediate subject of the Resolution, I think the proposal of my right hon. Friend the Chancellor of the Exchequer is a decided improvement on the existing law. Whether it is a greater improve-

ment than that proposed by my hon. Friend the Member for Hackney (Mr. J. Holms) is another matter, and one to which the House will give its very serious consideration before deciding between them. There is another proposal, however, which will not affect the balance of income and expenditure, as to which I hope the Government will give full consideration—namely, the proposal to abolish the present charge on the undergraduate scale upon salaries, or to reduce it very largely and make it uniform by the extension to it of all appointments in the Civil Service. We are told that there is to be neither gain nor loss by this proceeding. To some persons, no doubt, there will be very great gain; and I having cast over the matter in my mind, and having paid £1,200 or £1,400 in my time for stamp duties on appointments, find that, as I understand the proposal of my right hon. Friend, I would have only had under it to contribute to the necessities of the country 1,200 or 1,400 shillings. [The CHANCELLOR of the EXCHEQUER dissented.] Yes; 5*s.* instead of £5. And, whatever may be the patriotism that warms my breast, I would not have viewed with dissatisfaction that state of things. But it would be interesting to know who is to pay the other 19*s.*; because when 19*s.* disappear some one must pay them. I hope some information will be given upon that subject before the Committee comes to a final decision with respect to it. Sir, the Chancellor of the Exchequer has made two proposals in his Bill—one relating to the Post Office Savings Bank, including what are called the old Savings Banks, the other to the Friendly Societies accounts. There is one proceeding connected with these proposals which I own appears exceedingly objectionable. I will not now discuss it, but it is the throwing of the Savings Banks account into hotch-pot with the Friendly Societies account. The Post Office Savings Bank account, besides being a benefit to the country, is, I am glad to say, a solvent and paying concern, and to take the profits we make from the deposits of those savings and throw them into the account with the old Savings Banks with an immense deficiency, and to continue to pay the old Savings Banks depositors a higher interest than the country can afford, and higher than the Post Office Savings Bank depositors ever received,

is a proposal in which I hope the Government will not persevere. Having watched the Post Office Savings Bank with considerable interest from its infancy, I shall be bound to oppose the proposition if it is submitted to the Committee. But there is another proposal contained in the Bill which, I think, is an excellent one, and it is that instead of going on with this real charge upon the country—a liability of the country concealed from our eyes which is kept in a separate account of which Parliament hears nothing, except when special occasions arise—the deficiency—for deficiency it must be for some time—shall be made a regular charge, and shall be made a regular charge to be disclosed to the House of Commons each year, and to be provided for as part of the financial measure of that year. I also understand that it is the intention of the Government that in future years there shall be submitted to the House of Commons what is called in the Financial Statement “Local Budgets,” and that likewise appears to me to be in itself a very wise and useful proceeding. I have no objection to make to such an arrangement, and I know of but one difficulty in the way of carrying it out—namely, that it will entail a very serious addition to the labours of an already overburdened Parliament. I confess, however, that, although I think that Parliament is overburdened, such is not the general opinion, because we see deputation after deputation, headed by Members of Parliament, waiting upon various Departments of the Government, imploring the latter to assume functions other than they now exercise, and we see that those deputations meet with the most courteous and flattering receptions, and with such replies as encourage them to repeat their visits and multiply their proposals. But be that as it may, I think that in view of the enormous extension of the system of local loans, the proposal of the Government on this point may be a sound one in principle and one to which I do not object. That is all that I need say at present upon the financial and administrative propositions contained in the Financial Statement of the year; but I come now to consider that which I regard as a more important matter—namely, the mode of stating the accounts of the country, and of presenting to the House of Commons the balance

of the income and the charges of the country. This is a subject that appears to have attracted no attention at all from critics out-of-doors; for, as far as I am able to judge, there has scarcely been a word of discussion on this point during the present year, and I should say, speaking impartially, that the reception of the Budget by the Press is uniformly favourable, and it is therefore possible that I may be in a very small minority in my old-fashioned views and notions with regard to the form in which the accounts of the nation should be stated. Such as my views on the question are, however, I hope that the House of Commons will permit me to state them, because it rests with this House to determine what those forms shall be, and upon it rests the responsibility of resisting dangerous innovations which to my mind do not deserve its sanction. There can be no doubt as to the elementary rules that ought to govern the conduct of the Financial Minister with regard to this subject. They are three in number. Let it be remembered at starting that I am not condemning the action of the Treasury as being wanting in judicious economy, because I frankly admit that such economy prevails there, and that to those who control the Treasury every credit should be given. The first duty of the Chancellor of the Exchequer is to reduce the expenditure of the country; the second is to keep the income of the country above the charges; and the third is to present nothing to the country and to the House of Commons, except figures that will bear careful and searching examination; for we must not forget that the House of Commons deals with the Government in matters of finance upon terms of great disadvantage. On most questions that are discussed in this House numbers of hon. Members are able to follow the subject and to give opinions of weight with regard to it, but on questions of finance that is not the case. Our system of finance is often complained of as being so complicated, and people ask why we do not have a more simple system of finance; but I believe that the primary condition of our financial system should be not so much to secure simplicity in our accounts, as a system that is certain, safe, and well calculated to maintain the control of Parliament. And I venture to say, after a long experience, that, however desirable simplicity may be, I

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doubt the possibility of combining the attainment of the greater ends to which I have referred with the simplicity in our accounts which some persons desire. It is, therefore, of the utmost consequence that every figure given by the Government should be such as to bear a searching examination, and that the course hitherto adopted for giving solidity to our finances is rigorously and strictly maintained. But the necessary result of this complication in our present financial system is, that there only exists a small number of persons in this House who can follow the financial accounts of the country. I do not mean as to the expediency of laying on or of taking off particular taxes, but as to the mode of bringing to a proper account those enormous sums which pass through the hands of the Chancellor of the Exchequer, who is possibly the greatest banker in the world, and has, in that character, to deal with affairs which are scattered all over the face of the earth. Under these circumstances, I think that the rules of finance that are the result of the experience of former times should be rigorously and strictly maintained, and the question is, have those rules been followed by the Government in the present instance? I will state in terms, I hope, not of exaggeration, what appears to me to be the state of the case, and I shall be all the better pleased if the Government are able to answer my objections to their accounts satisfactorily. I am not about to hold my right hon. Friend responsible for the recent growth of the national expenditure; I am sorry to say that the growth of the expenditure seems to be one of the normal incidents of the accession to power of the Party to which he belongs. ["No, no!"] I should like to see some proof to the contrary. What I have always required and desired—what was once the established rule of the country, but which has been entirely forgotten for the last 20 years of my Parliamentary life—was a generous rivalry between the two great political Parties of the State on matters of economy; but that is no longer so, and the figures and accounts of the last 20 years will determine the question more satisfactorily than any arguments or ingenuity of mine can do. I wish, however, to keep to facts, and not to enter on arguments, having no desire to give a political character to

what ought to be strictly a matter of business. On looking at the Supply Services for 1874-5 and comparing them with those of 1873-4, after deducting the two great items of the *Alabama* accounts and the Ashantee War charges, there appears to be, according to my calculation, an increase under the head of public expenditure of £1,360,000, which appears to be a pretty good sample for a first year's performance. But I am bound to say, at the same time, that the Government by increasing the expenditure of the country are acting in a manner not generally disapproved, although I disapprove their action in the matter. My ideas on the subject, as I said before, may be antiquated and belong to a period of some 20, 30, or 40 years ago; but the Government may some day awaken to the fact which they do not seem to understand now—that these continual additions in detail to the expenditure of the country do act upon the totals. Many people think that a gross paradox; but it is, on the contrary, one of the most common-place matters of fact that these totals do determine the sound state of our finances, and put it out of the power of the British Parliament to diminish the burdens of the people by reducing the taxation. I am right in saying that the Estimates of the present year show a considerable increase over those of the previous year, notwithstanding the strenuous efforts of the Treasury to keep down the total of the expenditure. That, however, is not the fault of the right hon. Gentleman the Chancellor of the Exchequer, and in common Christian charity I ought to say that the responsibility for that increase rests upon the Government, and that responsibility is shared by Parliament, which must be prepared to let the country understand that it requires and sanctions a constantly growing national expenditure. But although it may not be the fault of my right hon. Friend that the expenditure of the country is growing, if the Chancellor of the Exchequer makes proposals to the country which do not present a clear surplus of income over expenditure in estimating the circumstances of the country for the coming year, he is guilty of a default of duty which, besides affecting the Government generally, affects himself specially. The Chancellor of the Exchequer is also specially responsible for all that relates

to the accounts of the country. These are the points upon which I wish now to make some reference—that is, to the figures in the Financial Statement. Firstly, with regard to the manner in which the account of Revenue and charge was made out. The House will have observed that last year there was a surplus on the Revenue, as compared with the Expenditure, of £594,000; but they will also have observed that the account which has been presented to Parliament this year since the Financial Statement, shows not a surplus of £594,000, but a deficiency of £6,000. This is a matter I think it right to touch upon, without at the same time, dwelling upon it as one of capital importance. I do not think that there has been any uniformity of practice with regard to the mode of stating the accounts. Sometimes the whole of the Expenditure, including loans—and it is the question of loans which makes the difference—has been given in the Financial Statement of the year; and I think it is better that it should be so. For the most part, when there is a large surplus, it is almost immaterial whether it is stated or not, and fortunately, on many occasions of late years, there have been large surpluses to announce to the House. When, however, it so happens that that loan expenditure makes the difference between a respectable surplus and a small deficiency, I think it is most desirable that it should be distinctly stated, and it seems to me it would have been better to have included it in the Financial Statement of the present year. Whether we are wise in including the known loan expenditure in that expenditure which is ascertained before the balance is struck to determine the surplus applicable for the reduction of debt is another matter upon which I might have something to say, and upon which I can easily conceive that argument might be made. My object in referring to this subject is not to cast blame, for I think it is a small matter whether the thing was stated or not. My wish is to point out the usefulness of the rule which has on this occasion been neglected. It is useful and important to bring before Parliament on the only regular occasion when the attention of Parliament is effectually given to the finance of the country, the whole expenditure of the country. It does not sig-

nify whether it is from Revenue or from loan, the House of Commons ought at one conspicuous period of the year to understand fully what is the entire expenditure which has been made under its sanction, or under the sanction of the Executive Government. It is an old and valuable practice of finance, and if the thing be not done at the period of the Financial Statement, it may as well not be done at all. No notice is taken of these things if they are severed from that one great central occasion, and I should be very glad if, without censuring anyone, my drawing attention to the matter should have the effect of causing this useful practice to be observed in future years. But, Sir, there is another operation connected with the Revenue of last year which I confess appears to me to be much more difficult to defend. The Chancellor of the Exchequer said to us, in the fairest and most ingenuous manner, in the course of his Financial Statement, that the apparent deficiency in the Miscellaneous Revenue of the country was owing to a special cause. The words ascribed to him in the report are these—

“It was owing to my having given instructions that there should be no haste in calling in certain receipts which might have been paid in before the 31st of March, but which it did not appear necessary to call in, and which it would be better to leave for this year.”—[3 *Hansard*, ccxxiii. 1026.]

Here, Sir, I must frankly state that I think my right hon. Friend, in assuming to himself the liberty of checking the inflow of any portion of the Revenue in order to enlarge the resources of the coming year, committed a serious error—an error so serious that, though all I desire on the present occasion is to make it understood, I should, in default of anyone else, feel it my duty, if it were defended, to challenge the judgment of the House in regard to it in case it should become a practice. I am not aware of such a thing having been done before. This, however, I do remember, that during the existence of the late Government, a very vigilant Member of Parliament who did us some good service in matters of finance—namely, Mr. White, then Member for Brighton—inquired of my right hon. Friend the Member for the University of London (Mr. Lowe) then Chancellor of the Exchequer, what was the cause of the

great and evidently exceptional augmentation of receipts in the first week of the financial year, and whether it was owing to the keeping back of the Indian receipts at the suggestion of the Treasury, and my right hon. Friend is reported to have replied as follows:—

“There was no doubt that the excess for that week was due to the causes assigned in the Question; but it was equally certain that that result had not been obtained in consequence of any suggestion from the Treasury.”—[3 *Hansard*, ccx. 1263.]

Now, if I understand the Chancellor of the Exchequer rightly on the present occasion it was by a suggestion from the Treasury that a sum of £300,000—which I may observe would have been a real and legal surplus, though a small one, in last year's transactions—was kept back and taken out of the account of last year, and brought into the account of this year, because “it would be better to leave it for this year.” This, I believe, is not acting in accordance with the spirit of those regulations which govern the collection of our Revenue and the methods of bringing out the accounts. Under the Orders of the Treasury, the receivers general of Revenue are bound to pay it in daily to the Exchequer. No delay whatever is permitted in respect to any branch of the Revenue. It is perfectly true that, in a certain sense, there is no receiver general of Miscellaneous Revenue, but at the same time it is quite evident that the regulation of the Treasury requires daily payment from every Revenue Department: this rule merely expressing the principle that what becomes due to the public should at once be placed to the credit of the public and not be delayed in its passage to suit the convenience of any Government, be that Government what it may. Obviously this principle is one of the greatest consequence, for there are no bounds to the extent to which a contrary practice might be carried. It is a Treasury Order, and a Treasury Order alone, and not the law of the land, that secures the proper payment of the Revenue. These delay payments are made by the Revenue Departments under the Order of the Treasury. Were the Treasury to send Orders to the Revenue Departments to suspend them for the week, any Chancellor of the Exchequer, who had to meet a large expenditure, and did not like the responsibility of imposing new taxes, might,

by stopping the inflow of Revenue of the last week of the year, throw into the coming year such a surplus as entirely to dispense with the necessity of increased taxation. That will show the House that the question here at issue is really one of principle and a measure of the deepest possible importance. No doubt the designs of the Chancellor of the Exchequer were most innocent, as we may clearly see from the ingenuousness with which he stated them to the House. He gave us an opportunity, manfully and honourably, of raising the question. For my part I must say that I believe the practice to be unprecedented and decidedly dangerous, and I earnestly hope that it will not be repeated. So much, Sir, for the account of the last year and the mode of handling the Revenue for that year. I now come to the Estimate for the present year, and to a rather minute examination of what is supposed to be the surplus upon the figures of the Financial Statement. That surplus is stated at £417,000. My doctrine is, that there is no surplus at all, and not only so, but that there is a considerable amount of probable charge quite unprovided for, independently of any scheme for the reduction of the Debt. Let us see how it stands. We start with £417,000 the reality of which I do not dispute; but I find the Chancellor of the Exchequer is reported to have said in reply to my right hon. Friend near me (Mr. Childers), who found fault with the surplus as being overcharged with weight of expenditure, that his Estimates were taken at a very reasonable and moderate figure. Now I must make a comment on the practice of taking Estimates at a very reasonable and moderate figure, and I affirm with the utmost confidence that no Chancellor of the Exchequer has the smallest right at the commencement of the financial year to take credit for the probable incoming of any Revenue beyond that which he has anticipated in his Estimates. It is his duty to include in his Estimates whatever Revenue seems to him probable—neither more nor less—and that is a duty to the performance of which the House of Commons ought tightly and stringently to bind him. In that way they would maintain what their Predecessors valued so much—namely, the financial control of Parliament over the expenditure of the country. I must take the Estimates as they are presented. If



we show that the figures will not bear the expenditure of which we already know, and that the Chancellor of the Exchequer and the Government are disposing of money they do not possess, it is not a sufficient answer to say that the Estimates are taken moderately. There is one course open, and it is this—the Chancellor of the Exchequer should reconsider the Estimates and make such additions to them as, in his judgment, may be necessary and justifiable. But you cannot have it both ways, and say, in presenting Estimates at a given figure —“I have other sums in reserve which you know nothing about, but on which I can rely, and as to which I ask you to charge some portion of the expenditure.” I shall, therefore, take the Estimates as real Estimates, and assume that they show a surplus of £417,000. The reduction of £60,000 in respect of Brewers' Licences brings that sum down to £357,000. We have lately adopted a principle which it is necessary to explain for a moment to the House with regard to the large business which we transact in loans and advances for public works and otherwise which enters into the statement of the Revenue and charge of the country. We have begun to take credit for the interest which we receive on those loans and advances; and if we take credit for the interest we receive on them, it is quite plain that when we borrow money in order to make them, we must charge ourselves with the interest which we have to pay on that money. I am not certain whether I am quite correct in what I am going to say; but as I understand that the Chancellor of the Exchequer—if I am wrong he will correct me—has this year borrowed money for the purpose of making these loans, and that he expects to have to pay £70,000 as interest on it. That is part of the actual charge for the year, and it must be taken as against the surplus of £417,000, because when the interest on the loans so made comes in, it goes to the credit of Revenue, in which case it must go to the debit of Revenue when the loans are contracted. Therefore, we must reduce £357,000 to £297,000. But then, Sir, it is part of the plans of the Government, and I own a most excellent part, that they should charge upon the finance of the country from year to year the deficiency into which we have allowed the Friendly Societies and Savings Banks

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Funds to fall. If you like to take credit in the surplus for the Post Office funds you may do so; but I find that the aggregate deficiency, as shown by the Bill submitted to the House by the Government, is at present £3,700,000 in round numbers, and the interest on that deficiency is £120,000 a-year, which has not been mentioned in the Financial Statement, but which must evidently be part of the charge of the year. That £120,000, taken from £297,000 brings it down to £177,000. Then there is a charge for which, as a public charge, I am sorry my right hon. Friend made no provision in the Estimate of Income and Expenditure which he presented to the House, and that is a charge on account of Irish Education. The amount of the charge last year was £118,000. It has not yet been stated to Parliament in an Estimate. Why? Was it withheld in order to be reduced? No, Sir, it is withheld in order to be augmented. Therefore, using the best information at my command, the £177,000 to which I have already referred has to be still further reduced by £118,000, which leaves you £59,000 as all that remains of your surplus of £417,000, and that surplus of £59,000 must be charged with the augmentation, whatever it may be, in the Irish Education Vote, which has been actually announced. I do not know what it will be; it may be £30,000, or it may be £40,000, or more. There was also mentioned in the discussion that it was the intention of the Government to make a proposal for paying a portion of the expenses of the Registration Act. Has that been provided for in the Estimates? [The CHANCELLOR of the EXCHEQUER: Yes, it has.] Then nothing need be said further respecting that. Well, we have got the surplus reduced to £59,000, against which, as I have said, there is the increase on the Irish Education Vote, and the result, I say, is that there is no surplus at all; for in a question of this kind, you cannot dispute about a mere £10,000 or £20,000. Now, Sir, I submit that the charges which I have stated to the House are positive charges, every one of which ought to be provided for in the plans of the Government; and the effect of them is that they eat the whole of the surplus—substantially, the whole of the surplus which has been announced to us by the Chancellor of the Exchequer;



and yet that surplus had a great deal else to do, for, first of all, is there to be a surplus of Revenue or not? Now, it is the established principle of finance that the whole of the charge for the year, so far as it can be foreseen, is to be submitted to the country, as a charge, when the Financial Statement is made; and if any of the elements of that charge are uncertain, they are not to be kept out of view. The established rule is that the Chancellor of the Exchequer has to state them as well as he can, and take a sum which he thinks ample to cover them, charging himself with the whole of the sum before he presents anything that he is justified, in the face of Parliament, in calling a surplus. Of course, I do not speak of a time when a great war is impending, when £5,000,000 or £10,000,000 might have to be added to the expenditure of the year: it is impossible to say what the charges may be then; but I speak of the regular state of things in time of peace, which may be roughly called the normal state of things; and I say it is the duty of the Chancellor of the Exchequer in such cases to present to Parliament, before taking credit for any surplus at all, what he thinks will be the probable amount of those charges. I wish very much to know whether that principle is challenged, because I hold it to be essential to sound finance, and even, in the long run, to what would be called by Parliament, honest finance. My right hon. Friend has said there will be Supplementary Estimates, but that he does not know what they will be; and because he does not know what they will be, he does not provide a farthing to meet them. I say it is his absolute duty to make the best computation he can of those Supplementary Estimates, and to charge himself with the whole of them before he so much as pronounces the word "surplus" to the House. And so, Sir, the £417,000 presented to us as a surplus has vanished from our view; it is nowhere; it has gone to supply purposes valuable and important, no doubt, but still it is gone; and what remains? It has three or four duties which it ought to do. It ought to perform the function of meeting Supplementary Estimates, as well as the right hon. Gentleman can calculate them. After that it ought still to leave Parliament in a position to say—"We have provided for unseen

contingencies a surplus of income over charge for the coming year;" instead of that, however, it has to bear all the charges I have stated, and besides it has to supply the sum of £185,000 which is to be voted for the reduction of the National Debt, and of which the Government does not possess a single shilling. I do not refer to the details of the Supplementary Estimates. An hon. Friend of mine put a Question the other day as to the charge for the proposed Royal Progress through India, and the Question was answered by the right hon. Gentleman opposite with much tact and skill. I say nothing of that charge, because I know nothing; but I hold that it is in the power of the Treasury, by communication with the Departments, to know what the Supplementary Estimates are likely to be, and that their probable amount is part of the information that ought to be submitted to us before we proceed to strike a balance between the Revenue and Expenditure of the year. I now propose to make some remarks on the plans of my right hon. Friend in respect to the National Debt, in the light of the observations I have already offered in regard to the condition of his most shadowy and ghostly surplus, which it appears is fully and more than fully charged—nay, charged three or four times over—for different public purposes, a course of proceeding which I contend it is impossible for him or any other person to carry out in practice. My right hon. Friend has proposed a scheme with regard to the National Debt which has received the marked approbation of what are believed to be the most sagacious of all things inanimate—namely, the Three per Cents. He is very much pleased—and I do not wonder at it—because half a per cent, forsooth, has been added to that part of the National Debt in consequence of the promulgation of the scheme of the Government for its reduction; but there are sceptical persons who may say this fact proves that the Three per Cents are not of that high order of intellect which they have been considered to be. Let us look at this matter a little. There are three modes by which the National Debt may be reduced—one is by a surplus of Revenue over Expenditure; one is by Terminable Annuities; and the third is by fixed appropriations beforehand. I tell the Government fairly that,

so far as I am concerned, my own deep conviction is that, although we have done a good deal, we have never done as much as we ought to have done in the reduction of the Debt. That has always been my opinion, and I am thankful to say my right hon. Friend near me (Mr. Lowe) was enabled during five years of his administration to surpass every preceeding Chancellor of the Exchequer in this matter; but even the standard of reduction established by him did not, I think, at all answer the powers and capacities of a country so great as this, if they were accompanied by an equal forethought and a desire to guard against the probable contingencies of the future. Having those views, it may be said, and truly so, that I ought not to be fastidious as to my preference as between one mode and another of reducing the Debt. Well, I ought not, and I will take any mode that you show to be real; but my objection to this proposal is that it is totally unreal, totally opposed to authority and to the test of experience. You will see if I make good this objection. First, we may reduce the Debt by Terminable Annuities; and here the Chancellor of the Exchequer gave the House the figures, which I have no doubt are perfectly correct; and they are of the most instructive character. Down to a certain date, he showed us what had been done by two modes that have been adopted for the reduction of the Debt, and he likewise showed us what had been done by the contraction of new loans. [The CHANCELLOR of the EXCHEQUER: They were up to the present time.] At any rate, however far they may extend, as far as the principle is concerned, the effect will be the same. The figures, which are extremely simple, are these. The surpluses of Revenue over Expenditure amounted, when put together, to £40,000,000. But these surpluses of Revenue over Expenditure are, unfortunately, outweighed by the surpluses of Expenditure over Revenue, because, although we may divide these surpluses of Expenditure into two classes, according as they are unforeseen deficiencies, or according as they are loans, yet a loan means nothing in the world but the expression of a deficiency in the year's income over the Expenditure. And while the whole of those surpluses amounted to £40,000,000, the deficiencies, together with the loans that it was found

necessary to raise to meet the Expenditure were £73,000,000. Therefore, so far as the surpluses of Revenue are concerned, although there has been a great effort made by Parliament and the Governments for the reduction of the Debt—great efforts made by prudent and vigilant men—yet, so far as the annual balance of Revenue and Expenditure are concerned, taking loans into view, as you must do, there is an actual deficiency of £33,000,000, so that you have £33,000,000 added to the Debt. The whole of the reduction has been effected by means of Terminable Annuities. They have, according to the figures of the Chancellor of the Exchequer, effected a reduction of £120,000,000, which balances that deficiency of £33,000,000, and leaves an entire reduction of £87,000,000. I am not going to enter into a discussion of what, in my view, is the real argument in favour of Terminable Annuities as compared with visionary schemes. The fact is that the visionary schemes did not reduce the Debt; that Terminable Annuities did reduce it; and the merits of any scheme for the reduction of the Debt are that the Debt shall be reduced. My right hon. Friend the Chancellor of the Exchequer, in face of the figures which show that there has been on the whole no surplus of Revenue over Expenditure, and that we have required £33,000,000 to meet deficiencies, has printed a Return, in which his imagination flies into the empyrean, and ranges over a period of 30 years down to 1905, in which he takes credit for a surplus of £500,000 every year. I ask, is that a practical proceeding? Why, the history of the last 30 or 40 years proves that what we have borrowed has, upon the whole, done more to increase the Debt than our surpluses have done to reduce it; and is it not a most extraordinary thing to submit to Parliament as a calculation and assumption that, upon the whole, in the 30 years to come, there will be a surplus of £15,000,000 over all deficiencies; that is to say, that a state of things which experience has shown us to exist heretofore will be entirely reversed? Under what circumstances is this done? If my right hon. Friend had a surplus of £500,000 to begin with, there would have been some little element or spark of encouragement to believe his calculation; but here is a Chancellor of the

Exchequer, who has not one farthing of surplus, who presents to you an imaginary surplus of £500,000 for 30 years to come, for every one of which years the surplus is founded upon the assumption that every future Chancellor of the Exchequer will do the exact opposite of what the present one is doing. This is a somewhat extraordinary result, and it is necessary that the House of Commons, in the first instance, the intelligent editors of critical periodicals in the second, and the Three per Cents in the third instance, should take some cognizance of these facts. A word or two now with regard to the third method of reducing the Debt, respecting which I will not enter into any comparison between Dr. Price, Mr. Pitt, Lord Grenville, and Lord Bexley. They had different methods of proceeding; but it is a waste of time to enter into a distinction between one of these plans and another. The essential point of these plans is this—that whereas a surplus of Revenue proceeds upon firm conviction that there shall be a surplus, the whole value of that plan depends upon exacting rigidly from the Chancellor of the Exchequer, that from year to year he shall present to you not a nominal, but a real surplus. While that the Terminable Annuities have proved what they have actually done, that plan has for its essential feature this system of making a fixed appropriation of money by prior Act of Parliament. Of money did I say? No, Sir, not of money. If it were a fixed appropriation of money, there would be a great deal to say for it, and I would be slow to quarrel with it. But it is a fixed appropriation of figures and ciphers written down on a sheet of paper—of figures written down too on such a scale that they have revealed that glorious sum of £230,000,000 which has astounded the Three per Cents and bewildered their imagination. Why, it is not clear from the Estimates of the Chancellor of the Exchequer that this year there will be even a surplus of the most slender description. What I submit to the Committee is this—that these methods of providing for the reduction of the Debt by annual appropriations, arbitrarily fixed by those who do not intend to find the money for them, but who think it laudable and creditable to lay it down that future Parliaments shall find that money, have been tried and tested

by experience and have failed again and again. If they have been so tried and tested, and if they have so failed, I ask is it wise—and I give my right hon. Friend credit for the best motives, for he has, no doubt, had the idea that a plan of this kind would be an efficient check upon expenditure—again to resort to them? I know my right hon. Friend is the last man who would deliberately produce an exploded fiction; but I ask him to consider in the light of experience, and not in the bewildering light of hazy speculation, whether this plan of proceeding is not a fiction detected by experience? After the Great War, the statesmen of that day were profoundly impressed with the necessity of reducing the National Debt. They began by paying off a large sum which had been borrowed, and which constituted the large balances in the Treasury at the close of the War. They began with the very best intentions. Popular feelings with regard to the oppressive operation of existing taxes were not then so accurately represented in this House as they now are, so that the circumstances of Parliament were in many respects favourable to paying off the Debt. The plan adopted was this: In the year 1819 it was determined that £5,000,000 should be provided every year for paying off the Debt. No doubt, the Chancellor of the Exchequer has studied all these details, and yet, if he has, I think they ought to have impressed his mind more than the mind of other people. £5,000,000 were to be appropriated for paying off the Debt. Were they so appropriated? Not even in that Parliament, the majority of which held seats hardly accessible to the faintest breath of popular opinion—not even in that Parliament was that sum applied for the reduction of the Debt. The whole sum that was applied to the reduction of the Debt between the years 1816 and 1828 was considerably less under the operation of this £5,000,000 system, with certain modifications which I shall mention by-and-by, than the annual amount which was applied to it by my right hon. Friend near me when he was Chancellor of Exchequer. This law, with regard to the appropriation of £5,000,000 remained an absolutely dead letter. You may pass a law that you will pay off the whole National Debt this year, but it will remain an absolutely dead letter.

It will do nobody any good, and it will do nobody any harm, except those who are weak enough to believe it. So it was in this case, the law with regard to the £5,000,000 remained, but the money was not provided, and at last they began to think that this state of matters was unsatisfactory, and that a demand of £5,000,000 every year was too heavy. So they said—"Let us make it more moderate, and the amount of money will be provided." They reduced the demand to £3,000,000; but it was exactly the same thing over again. They passed a law that £3,000,000 should be provided, and the £3,000,000 were not provided. Then there sat a Committee of great weight on Finance in the year 1828. That Committee was, I may say, then accepted as almost conclusive authority on the subject and has been so from that day to this. That Committee distinctly reported against the whole system of fixed appropriations. They said—

"The Committee are of opinion that, instead of a fixed sinking fund, the surplus of Revenue only should be appropriated annually in the mode hereafter stated to the reduction of the Debt."

That is the principle upon which now for 47 years the successive Governments of this country have acted, and from which we are now requested to depart. So broke down the plan of fixed appropriations; but in the course of time there arose another Chancellor of the Exchequer, a man of great ability—a man immensely respected and, I may say, beloved in this House; a man whose character was eminently that of a circumspect and practical statesman—I mean the late Sir George Cornewall Lewis. That eminent man, when it became his duty to borrow for the purposes of the Crimean War, satisfied himself that it would be worth while to try this scheme. In 1855, he made a loan of £15,000,000 or £16,000,000; and he invited the House to insert in the Bill then before it, a clause to the effect that in every financial year—beginning with the first year after the signature of a definitive treaty of peace, £1,000,000 should be applied to the reduction of this Debt. That was the clause which he recommended to the House, and I am sorry to say it was one which he prevailed upon the House to accept. It was no wonder that it should have done so, for

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there was no one whose advice it was more disposed to follow, and no one who more deserved that that should be the case. But the clause excited sharp resistance. I, myself, was one of those who stoutly protested against it; and amongst those who made excellent speeches against it was the right hon. Gentleman now at the head of the Government. This, the House must bear in mind, was one of those measures for the reduction of Debt by means of fixed appropriations; and the right hon. Gentleman said—

"I trust the House will hesitate before it assents to this 22nd clause. What is it? It is neither more nor less than a recurrence to the system of creating an artificial sinking fund; and, to my mind, no principle can be more pernicious."—[3 *Hansard*, cxxxvii, 1967-8.]

The right hon. Gentleman, with the present Chancellor of the Exchequer, and several other right hon. Gentlemen, Members of the present Government, very loyally and properly went into the same Lobby, all harmoniously uniting on that occasion. I said I objected to the clause exceedingly. I said—"If my right hon. Friend is Chancellor of the Exchequer when the war is over, and if he endeavours to induce the House to provide a million of money and give a vote for it, I shall be found voting with him." I was in that patriotic state of mind that I would assist him to provide the million. Well, the war did come to an end, and the Chancellor of the Exchequer did come forward to make provision for the year. It was the right hon. Gentleman the Member for Buckinghamshire; but I had no opportunity of assisting the right hon. Gentleman in persuading Parliament to provide this money. The right hon. Gentleman said it was not to be expected that the money was to be provided. He had always been against the clause. A former Chancellor of the Exchequer had carried a majority of the House in voting the clause into the law, and the right hon. Gentleman carried the whole House with him in voting it out of the law, with only a faint and feeble protest from a single ghost of the old Liberal Treasury Bench that then sat on this side of the House. It appears to me that these are historical matters which really amount to a sufficient teaching of experience upon the whole subject that is before us. My right hon. Friend said



he thinks if we adopt his plan and pass it into law, a future Chancellor of the Exchequer will not like to come down and repeal the law, unless he had good reasons against imposing a new tax. He thinks a Chancellor of the Exchequer will have difficulty in finding good reasons against a new tax. There, again, I must say I am astonished at his sanguine expectations. Is there ever wanting a good reason against a new tax? Are new taxes ever adopted, except under pressure of necessity? Will any man under a paper necessity impose a new tax? Will any man do so under such a necessity as is now proposed to be constituted?—that is to say, referring to a past Chancellor of the Exchequer, who travelled out of his province and chose to lay an injunction upon the future which he had no right to lay, and which he did not supply his successors with the means of meeting? We live in an age of wonders; we have seen many, and shall see many more; but there is one wonder we have never seen, and that is a Chancellor of the Exchequer, who in his place here will propose a new tax in order to maintain a sinking fund. History certainly has not produced any such creation; no such *lusus naturæ* has as yet appeared; and I do not think that the Government of a Party which justly prides itself on adherence to the traditions of the past, on learning lessons from antiquity, on avoiding vain theories, and keeping to the lessons of experience, ought not to be the people to delude us by projects such as this into the marshes in which we shall be plunged, instead of remaining upon the safe high road by which we have hitherto travelled. I must say, I think that there is no answer to these objections. There is another ground on which I object to the proposal of the Chancellor of the Exchequer. I must say that attempting to provide what shall be done in the year 1885 with a sum of £5,000,000, which will then become disposable, is invading the province of future Finance Ministers, and of future Parliaments, to a degree entirely unexampled. Is it reasonable to suppose that in 1885, the Chancellor of the Exchequer will be governed in the slightest degree, in his view of the policy which he thinks the time and interests of the country may then require, by a reference to the circumstance that the Chancellor of the Exchequer wished this year to do

something, and provided no money to do it? He would say—"It is enough for us to manage our own affairs, and to leave them to manage theirs." Apply this to my right hon. Friend himself. I was Chancellor of the Exchequer in 1865, and if, in 1875, there had been £5,000,000 coming in, what sort of respect would my right hon. Friend have had for the Chancellor of the Exchequer in 1865, who had been so good as to do his work for him, in total ignorance of what would be the state of the country, and what its interests would require? These form strong practical considerations against the proposal. It is an attempt to revert to a scheme of proceeding which, however well intended, has been exploded under the combined action of authority and experience. With respect to the criticisms which I have ventured to offer, I have done so on information not so perfect as that possessed by the right hon. Gentleman; and if the explanations which he may hereafter give should be found sufficiently satisfactory, I shall accept them, not only with resignation, but with lively gratitude.

THE CHANCELLOR OF THE EXCHEQUER: Sir, my right hon. Friend has travelled, as he was entitled to do, over a very large field, and if I were to follow him over the whole of his observations I fear I should weary the Committee, for in doing so I must enter upon subjects the discussion of which had better be deferred to more convenient opportunities. I will, therefore, with the permission of the Committee, reserve for the present the discussion of one or two of those subjects. The policy of the Government with regard to the income tax it will perhaps be more opportune to discuss upon the Motion of the right hon. Member for the City of London (Mr. Hubbard); the question of Stamp Duties on Salaries again will be the subject of a special Resolution, and I would rather reserve the discussion respecting the Savings Banks until the House comes to the discussion of the Savings Banks Bill. I understand that my right hon. Friend approves of the principle upon which that Bill is founded, although he objects for special reasons to putting the three funds into one; but I think I shall be able to show him, when the proper time arrives, that it is not open to the objection which he takes

to it. I pass from these matters in order to reply to that part of the speech of my right hon. Friend which is in the nature of a direct personal attack on myself—I mean officially personal, because no one can be more sensible than I am of the extreme kindness and courtesy with which the right hon. Gentleman treats me individually in discussing these matters, and I shall not be misunderstood when I say he has made severe comments upon the framework and principle of the Budget, which I had the honour to submit a week or two ago. It is really essential I should deal frankly and freely with those criticisms, and satisfy the House that there is no foundation whatever for any imputation cast upon me or the present Government of departing from the old frank, honest, and straightforward system of finance. On the contrary, we are prepared to challenge comparison with any of our Predecessors in this respect on any point of practice. I come then to the three points which my right hon. Friend says the Chancellor of the Exchequer ought to bear in mind in dealing with the finances of the year—namely, to keep down, or, as he said, to reduce the expenditure; to maintain the income above the charge; and to present figures to Parliament which will bear thorough examination. With regard to the question of keeping down the expenditure, I can only say that I thank him most sincerely for supporting me in my position as Chancellor of the Exchequer by keeping a vigilant eye, and making severe comments upon the natural tendencies not of the Government, but of Parliament and the country, continually to raise the expenditure. I am no advocate of unthinking and indiscriminate economy; I am not prepared to say the public service ought to be stinted or impaired, or that the natural desires of the country ought to be thwarted when the expenditure called for is reasonably within the country's means and likely to be beneficial and useful. At the same time I am painfully conscious, from daily experience in my position as Chancellor of the Exchequer, that the demands made upon me from all quarters induce me to welcome support, from whatever quarter it may come, to my anxious desire to check and resist any undue increase of expenditure. But in speaking of the increase this year and last my right hon. Friend must have

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included the sums which have been paid in subvention of local finance. Now I am not sure that a subvention to local finance can be regarded simply in the light of increased expenditure. What you give in subvention of local expenditure is a relief to rates. It is a reduction of one form of taxation at the expense of the Exchequer, but it is still a relief to the nation. Although I am not one of those who think that the Exchequer should give with both hands in subvention of local government, still money given in aid of the rates cannot be regarded as money thrown away in the same way as if it had been expended on the ordinary Supply Services of the year. Passing over that matter, I must next notice the remark of my right hon. Friend—that it is the duty of the Chancellor of the Exchequer to keep the income of the year above the charges, and here my right hon. Friend began by saying he was going to call our attention to those old-fashioned principles which he admires, and he challenged me for not having taken into account—when I presented my balance of Revenue and Expenditure the other day—the item for fortifications and local defences. He says that I presented a Budget putting the surplus of income over expenditure at £417,000; but that if I had deducted the sum expended on account of fortifications and barracks, I should have found myself with a deficiency of £6,000. I quite admit that if you state the account in that way there is a deficiency. But is that the old-fashioned way of stating it? Of all Members in the House I am perhaps as clear on this matter as anybody can be, because it was my lot to be one of a small minority who protested against a system introduced by a Government of which my right hon. Friend was Chancellor of the Exchequer, of raising money for fortifications by the creation of Terminable Annuities, and I argued, as well as I could, that that expenditure ought properly to have been met by the ordinary Supply Vote for the Services. But I was overruled by an enormous majority. The system was introduced against my wishes and counsels. And how has that system been put into operation? Why, in every year but one since its commencement, the practice which I have now adopted has been uniformly followed. It is true that, in the first year for borrowing on

account of the fortifications, 1860-61, my right hon. Friend, who was then Chancellor of the Exchequer, stated his Income and Expenditure, with an allowance of £50,000 for fortifications, but in no subsequent year did he adopt that plan. [Mr. GLADSTONE: "Oh, oh!"] Well, will my right hon. Friend state any other year in which that plan was adopted? I have here a statement of the surpluses as stated by the Chancellor of the Exchequer, and as returned to the Commissioners for the Reduction of the National Debt. In these Returns on every occasion the sums spent on fortifications form part of the expenditure, and in no one year, except 1860-61, do the figures correspond with the figures stated by the Chancellor of the Exchequer. In 1863-4 the surplus returned to the National Debt Commissioners was £2,352,000, but the sum stated by the Chancellor of the Exchequer was £3,152,000. It is much the same in the subsequent years. If I were to go through every one of these Returns I will venture to say that in no year, except the year I have mentioned, 1860-61, do the figures correspond. Now, has the practice which my right hon. Friend has urged upon us been adopted? I am not saying my right hon. Friend is not right in his criticism, and that we ought not to adopt this plan. But when he asks us not to depart from old-fashioned principles, I have a right to complain that the discovery of novelty in a practice which has been followed by himself and others these 15 years has suddenly flashed upon him when our proposals are laid before the House. I wish he had told us of his views a little sooner. If, last year, when I stated the surplus of the year 1873-4 at £869,000, for which we were not claiming credit ourselves, but were ascribing it to our predecessors, he had said—"Oh, no; you are giving us credit for too much, you ought to have reduced it by the amount borrowed for fortifications," then I might have taken the hint, and would have framed my Estimates this year accordingly. But that did not occur then to my right hon. Friend, and I do not blame him for it: I only wish to point out that when he blames me in this matter he is blaming himself. Then, in bringing the tremendous charge against us of not having called up a certain proportion of Miscellaneous Revenue

last year, I think he is hardly measuring out to me quite the same measure which has been measured out to himself and to other persons who have been placed in similar circumstances. I have no doubt the answer which we have heard was given by the Member for the University of London (Mr. Lowe) to Mr. White was strictly and literally correct. I am not sure that I might not this year have given a similar answer, and been equally correct, because there were certainly no instructions from the Treasury that the India Office payments should not this year have been called in by the 31st of March. In 1872, when the India Office payments to the Treasury were kept back, the amount was more than £800,000. On the present occasion, all I did was on a very much smaller scale. There were two sums which I certainly did not call up as Miscellaneous Revenue, although I might have brought them in before the close of last year. One of them was the remains of the Credit Vote on account of the Abyssinian Expedition. The payment had not been accurately adjusted—had not then been ascertained; and, although I knew that there was a certain sum which might have been called in, I thought it reasonable that it should stand over to the beginning of the year, by which time the actual amount could be fully ascertained. There was also a small sum of £160,000 due by the Indian Government, which, if we had taken steps to call it in, we could have got before the 31st of March; but I frankly told the Committee I did not call it in because I did not very much desire it. At all events, if I did anything wrong, I frankly stated it to the Committee, and I do think that under the circumstances of the case I was justified in what I did. Now, what were the circumstances of the case? Last year I brought forward a Budget in which along with a large remission of taxation I proposed a subvention to local expenditure. At the moment I made my Statement I was not perfectly aware how much of the local subvention would fall to be paid within the financial year. I did not know at what periods the payments to Scotch and Irish police, &c., would fall due, and, as a matter of precaution, I took a round sum, as being the amount which would have to be provided during the year. As the year drew on and we came

to ascertain the dates of the various payments, I found there was less to be made last year and more to be thrown on this year than I had calculated. I, therefore, assumed I should have a larger surplus in the Exchequer than was necessary, and that the calls upon me this year would be proportionately larger. Under these circumstances, I did what was nothing very extraordinary or unprecedented, or of which I am in the least degree ashamed—I allowed £300,000 to stand over from one year to the other and to go towards defraying the expense of the metropolitan police and other objects. I think I was perfectly justified in doing it equally with the other case I mentioned. And if I had not mentioned the fact I do not think anybody would have found it out. In these matters I wish to be perfectly frank, and therefore I let the House and the country know exactly what I was doing. My right hon. Friend, of course, has the right to comment upon this, and to say we ought to be more regular in future. We will endeavour to be so. But now I am coming to an important point. My right hon. Friend challenges my Estimate for the present year, and he says—"In the first place you claim to have a surplus of £417,000. But there is £60,000 on account of Brewers' Licences, then there is the interest of £70,000 upon loans, next a large deficit on the Savings Banks, and finally the Vote for Irish education." Well, with regard to some of these items, I do not admit the correctness of my right hon. Friend's observations. The interest on loans had been considered in the calculation which was originally made, and will cover the amount we are likely to require. If a larger amount should be raised we must remember that the interest will be balanced by the interest we shall derive from the advances we shall make, and that this will be carried to the other side of the account as Miscellaneous Revenue. The Savings Bank deficiency, again, will not arise till next year. But taking the Irish Education Vote and any other Supplementary Estimates, no doubt there will be some of the latter which may even absorb the surplus, or even more than absorb it. There is the deduction on the Brewers' Licences of £60,000, and allowing a further deduction for the increase in the charge or Debt of £255,000, which in-

cludes £185,000 of the fixed sum, and £70,000 for the local expenditure, the result is a total deduction of £315,000 taken from the surplus of £417,000, which leaves me £102,000 with which to begin the year, with a prospect, undoubtedly, of some further Supplementary Estimates. Well, I have said that my surplus was entirely exhausted, but I did also state that my Estimates were moderate; and although in the Statement I have laid before the House I have only made provision for the Estimates which have been actually laid upon the Table, and not for the sums we shall have to propose in addition, I do anticipate that there will be a further amount of Revenue which will come into the Exchequer in some shape or other, and which will fairly balance any Supplementary Estimates that we may have to propose. Is not that, after all, a common sense view of the case? I was twitted last year with the kind of Budget I then laid before the House. Last year I presented a Budget which was fortunate enough to receive the approval of the right hon. Gentleman himself, in which I set forth in detail the amount I expected to receive from Customs, Excise, and so forth. The result was that, on the whole, the Estimate I then presented was exceeded in the actual returns by something like £500,000. I was justified in the result, and yet I did not satisfy my critics. I was told I was wrong here and wrong there, and that, although I might be right in the totals, I was wrong in the details. Now, I am a student of the newspapers, and I am not above taking advice from any quarter whence it may come, and I am not ashamed to say that I received a valuable hint from the correspondent of one of the leading newspapers, *The Times*, who writes under the well-known name of "Surplus." In a letter which that gentleman wrote, and which entirely fell in with my views on this subject, he said—

"It is impossible for a Chancellor of the Exchequer, although he may calculate the general outcome, to say what might be advances on particular articles, such as tea, malt, stamps; but let him take courage and make his Estimates as carefully as he can, and then make some allowance for the general spring of the Revenue."

Well, unless circumstances should arise altogether unexpected, I think I am

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taking a safe estimate when I say that I may put the supplementary receipts and savings on expenditure—for these must be taken into account—against any Supplementary Estimates that may be required. I may be wrong, and I may be open to criticism next year; but at the present moment I will ask the House to give me credit for having acted, at least, as one who, above all others, will be the sufferer if he makes any mistake. If there should happen to be a deficiency of £100,000 or 200,000, the country will not be a great loser—[“Hear, hear!”]—but it will be a very great loss indeed to the Chancellor of the Exchequer and his credit; and, in spite of the ironical cheer from the right hon. Gentleman opposite, I am staking my own reputation more than any interest of the country upon the sufficiency of the Estimates I have presented. We have heard a great deal about old-fashioned notions, but is it such a very unheard-of thing that a Chancellor of the Exchequer should present a Budget with an anticipation of a very narrow surplus or, possibly, of a deficiency? Why, some 10 or 12 years ago we had cool Estimates presented to us of deficiencies of upwards of £1,000,000, which were to be taken out of the Balances. Is there anything very extraordinary in estimating rather closely on the present occasion, when in former times a Chancellor of the Exchequer got up and said—“I foresee such an amount of expenditure and income, and I leave you with the prospect of a deficiency of £1,200,000,” which ultimately turned out to be something like £2,500,000. [Mr. Lowe: There was £6,000,000 for the China War.] I suspect that if we went into the details of those Estimates there would be a good many things to speak of besides the China War. We were at that time giving away right and left in reduction of taxation; we were reducing duties in this quarter and that quarter. [“Hear, hear!” from the Opposition.] You cheer that. Am I to understand that the argument that we have come to is that it is legitimate to speculate for a deficiency, if you are going to give away taxes; but that it is not right to speculate upon a close fit, if you are going to do something towards paying off Debt? The last, and what may be called the most interesting, part of my right hon. Friend’s re-

marks filled me with a most profound astonishment. I did not expect that my proposals would, in all particulars, meet the approbation of my right hon. Friend; but I own I did think that the kind of criticism that we have heard on the propositions for the reduction of the Debt would have proceeded from any other Member of this House rather than from my right hon. Friend. His arguments were perfectly new and surprising. He told us that there were three ways of reducing the Debt. The first was to maintain a surplus of Revenue over Expenditure, the second was by a system of Terminable Annuities, and the third was by fixed appropriations. Three ways! I must say I only know of one. Does my right hon. Friend mean to put the maintenance of the surplus of Revenue over Expenditure in contradistinction to any other plan, as if there could be any plan not founded on this principle? Why, that is the old fallacy brought up again, and stamped with the authority of my right hon. Friend. For my own part, I take my stand, and the Government take their stand, on the principle that was embodied in the Report of the Finance Committee of 1828—upon the principle which has been repeatedly impressed upon this House ever since the fallacy of the old Sinking Fund was discovered; and that is, that the only legitimate way of reducing Debt is by maintaining a surplus of Revenue over Expenditure. And if my right hon. Friend means to tell us that he has found any machinery in the form of a juggle or puzzle, in connection with Terminable Annuities or anything else, which does not involve the maintenance of a surplus of income over expenditure, and if he thinks that he is thereby going to reduce Debt, he is only seducing the House into a false track, which ought to be repudiated at the first possible moment. I will do my right hon. Friend the justice to say that I do not believe he meant what he said. What I suppose he meant was, that we might trust to casual surpluses from year to year of Revenue over Expenditure, as contrasted with any fixed principle or system for the reduction of Debt. That must have been the meaning of my right hon. Friend, because it justified what I said—that casual surpluses from 1829 to the present time had only produced a

reduction of £40,000,000, against which was to be set an increase of £70,000,000 in loans. On the other hand, I pointed out that the system of the reduction of the Debt by the fixed process of Terminable Annuities had produced the more satisfactory results to which I adverted; and I used the argument to support my proposition that it was not safe, if you wished to do something substantial for the reduction of the Debt, to trust to these casual surpluses from year to year, but that you ought to try some settled plan. That, however, was spoken of by my right hon. Friend as unreal and against all experience, and that was a principle to be condemned! But where is the experience that my right hon. Friend spoke of? He gave us the experience of Lord Bexley, and of the period when, at first £5,000,000, and afterwards £2,000,000 or £3,000,000 a-year, was to be set aside for the Debt. That plan was given up in 1828. My right hon. Friend gave us also the experience of Sir George Cornwall Lewis, which likewise ended in failure. But he did not give us one experience which is more recent and more to the point—he did not give us his own experience. He has been proving that, under the circumstances of the years after the Great European War, the system on which Lord Bexley and other Chancellors of the Exchequer had endeavoured to maintain a fixed appropriation of £5,000,000 was impossible to be carried out. He has reminded us that when the country was burdened with taxation, the primary object was to reduce taxation and relieve the industry of the country; but although the pecuniary arrangements of a Sinking Fund were objected to and were given up by my right hon. Friend, yet he forgot to tell us that we have been living for 10 years under the system of what he now calls a fictitious payment of the National Debt. We have been left by him to provide for the Terminable Annuities which, at his suggestion, we have been paying for the express purpose of extinguishing Debt, and it is just as fictitious and as unreal as any other system. Well, my right hon. Friend may prefer his system to mine; I do not care for that, and I do not quarrel with him for doing so. The system I proposed was an exceedingly simple one, and occupied some 10 minutes to explain, while that of my

right hon. Friend was an extremely complicated one, and took up at least a good half-hour. I daresay many hon. Members here will remember the celebrated speech which gave everyone a headache in 1865, when my right hon. Friend brought forward his elaborate plan of Operation A and Operation B, and distinguished the position of the Chancellor of the Exchequer as Finance Minister from the position of the Chancellor of the Exchequer as banker, and showed how in the one case he might be in a surplus and in the other in a deficiency—that there were cases in which he might be in a special condition to make arrangements which would reduce the Debt. I do not know that he named such very large sums as he did just now, but he named very considerable sums, and the right hon. Gentleman the Member for Pontefract (Mr. Childers) was so enthusiastic on that occasion that he got a Return printed and laid upon the Table, which carried you on to 1888, with a vista of annuities which would be terminable in 1905. I have never been visionary enough myself to go beyond that date; and then my right hon. Friend says with an air, as if he was going to put us all down—"Did you ever hear of a Chancellor of the Exchequer who came forward and proposed taxes in this House for the purpose of keeping up a sinking fund?" Yes, I did. I remember a Chancellor of the Exchequer coming forward and proposing a match tax. I am proposing taxes at this moment to carry out arrangements into which my right hon. Friend himself originally induced us to enter. [Mr. GLADSTONE dissented.] My right hon. Friend shakes his head; but does he mean to tell me that if it were not for these Terminable Annuities which he has set on foot, and which you might be pleased by a very simple operation to put an end to at once—we would be obliged to bear the burden of taxation we are doing? Nothing of the sort. My right hon. Friend and those who sit near him are ready enough to come forward on proper, or, what they think proper, occasions, and say—"See, we have extinguished £3,000,000 or £4,000,000 of Debt every year." Why, Sir, these Terminable Annuities will this year pay £3,700,000 of Debt, and we are proposing taxation to cover that. And, therefore, I say that this system of fixed

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provision is not new, and is not absurd. It is one which my right hon. Friend has himself proved the efficacy of, and one which experience shows that Parliament will maintain and carry out. [Mr. GLADSTONE again dissented.] Well, my right hon. Friend is the most incredulous man I ever met—he keeps on shaking his head whenever I refer to him; but if the House will not think it too familiar a parallel, I will mention one which suggests itself to me. There is one of Walter Scott's novels in which he introduces a Scotch boy, who informs a gentleman that the Nabob of the story had "given him half-a-crown, charging him not to play it away at pitch and toss. "And of course you disobeyed him?" he was asked. "No," he said, "I didna disobey him, I played it away at neevie-neevie nick-nack." Why, Sir, the difference between the two systems is just about the same as losing the half-crown at neevie-neevie nick-nack instead of at pitch and toss. My right hon. Friend seems to think that my plan is necessarily antagonistic to Terminable Annuities, and that I have a feeling against their operation and principle. I say, not at all, because it is perfectly possible within fixed limits—and I think on certain occasions it will be the right thing to do—to create Terminable Annuities as much as you please, and I believe within those limits it will be a good arrangement to do so. My right hon. Friend has, I think, said—other people certainly have—that I am proposing to reduce Debt with one hand and to contract it with the other. Well, in a very limited sense, that is true; but if you look at the whole of the operations proposed by the Government, in the Bills which we have laid on the Table, you will see that we are putting an end to the various systems which really allow the contracting of Debt. If it is open to assert that we are reducing Debt on the one hand by raising it on the other, I would say that my right hon. Friend and hon. Gentlemen opposite have been for some years going upon the principle of reducing Debt with one hand and raising it on the other with four hands. Now, first, they have been in the habit of borrowing for fortifications, just as we propose within the limits they prescribe to do. They have been paying off Debt by Terminable Annuities on the one hand, and

have been raising money for fortifications and adding to the Debt with the other. But not only that—when they have raised £1,000,000, they have not only added £1,000,000 to the Debt, but substantially £2,000,000—£1,000,000 they raised, and they stopped another from going into the Exchequer in the form of a sinking fund to reduce Debt. I will not weary the Committee with the figures, but they show that the amounts expended on fortifications have added to the Debt much more than the amounts raised, because taking the sum raised and the amount deducted out of Revenue, and arriving at the amount you are to hand over to the National Debt Commissioners, you have been robbing the National Debt, and of course strengthening your balances in a way which enabled you to fall back upon those balances to make up a deficiency when occasion required. Then the third hand you have used is this Savings Bank deficiency, which you have allowed to go on increasing, and which we propose to extinguish. I apprehend that there is no more sound or simple principle of finance than this—that, instead of allowing those sums to accumulate as Debt against the nation from year to year, we should come to Parliament and say—"Here are these Savings Banks deficiencies; you choose to allow the depositors in them this amount of interest, being more than your funds will bear; they must, however, be provided for, and we must ask you to vote sums for the purpose." But now what is the fourth hand by which you have been contracting Debt? What is this system of Terminable Annuities? When you turn a Perpetual Annuity into a Terminable Annuity, what do you do? You extinguish a Perpetual Annuity of smaller amount, and you substitute for it a Terminable Annuity for a certain number of years of larger amount, and the difference ought to be such that by investing the amount by which the Terminable Annuity exceeds the Perpetual Annuity, you will at the expiration of the term of years have replaced, and exactly replaced, the money which you had to begin with. Well, but what have you done? If you had gone into the market, and had offered to issue Terminable Annuities and extinguish Perpetual Annuities in their place, no doubt the higgling of the market would have

established fair terms. But, for reasons which I need not go into, you did not do that. The Chancellor of the Exchequer, in his capacity of National Debt Commissioner, or banker, as my right hon. Friend calls it, has made terms with the Chancellor of the Exchequer as Finance Minister, and he has been both buyer and seller of these Annuities, and has fixed the price as he thought fit. But suppose you attempt to operate upon a large scale in that way, what would happen? You extinguish your Perpetual Annuity. You create a Terminable Annuity, and you repay every year a certain amount of capital, which has to be re-invested; but the effect would be to raise the price of the funds, as my unhappy proposal, which has created so much wrath and contempt, has done; so that the money, when it comes back to be re-invested, will not produce the same amount of stock, and consequently there is a loss, and that loss is another way in which I say a false operation has been going on. If you attempt to rest any scheme for the reduction of the National Debt on Terminable Annuities, you will to a certainty produce that effect. You will either make a bargain too favourable and add to the Debt, or you will, on the other hand, make a bargain too unfavourable, and so rob those for whom you are trustees—the Savings Banks depositors; and, therefore, the system is not one on which you ought to rely. I do not, however, say we are not to have Terminable Annuities at all. I am for retaining them to a certain extent, and there are provisions in this Bill to enable you to do so; but to say that that is the only really sound and sensible principle to act upon, and that the other which I propose is unsound and visionary, seems to me to be nothing but gross and sheer prejudice. I am not able to use any other term. Of course, my right hon. Friend regards his own child with different feelings from those with which he regards the child of another; but I must say I was amazed when I heard the propositions laid down by my right hon. Friend. If he has passed over his own peculiarities he has looked into my faults with the sharpness of an Epidaurian serpent. He has done me the honour of looking into the Division List of 1858, and reminding me that I went into the Lobby on the occasion to which he referred with him-

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self and my right hon. Friend at the head of the Government against Sir George Cornwall Lewis. I was then a young Member of the House, and I voted pretty much according to the authority of my two right hon. Friends. But, as the right hon. Gentleman has thought fit to refer to the manner in which I gave my vote on that particular occasion, I should wish to remind him that in a book which I have since written upon the subject I have very freely given my views with regard to that sinking fund of Sir George Cornwall Lewis, and I beg to refer the right hon. Gentleman to my opinions therein expressed. Sir George Cornwall Lewis originated his proposal in a year when a war was raging, and when he was borrowing large sums, and his intention was that his sinking fund should come into operation at the close of that war. The year, however, which he had selected for the sinking fund to come into operation was of a peculiar and very unfortunate character for such an operation. It was not a year of peace, because we were at war in China; the commercial condition of the country was such as to threaten us with a deficiency, and it was also a year when we were bound by an agreement entered into long before to reduce the income tax from 9*d.* to 7*d.* in the pound. There were circumstances, therefore, which rendered that year very different from the present, and I refer to it mainly to show that in adopting my proposal we by no means bind future Ministers of Finance. If within two years after Sir George Cornwall Lewis made his proposal for a sinking fund, Parliament was ready to set his scheme aside, is it not perfectly manifest that if times should ever arise when Parliament should think that it is not expedient that my plan should remain in force, the Finance Minister of the day will be bound to come forward and to ask Parliament to set it aside? If you adopt my proposal you will have none of the complications incident to the system of Terminable Annuities—you will have a system of finance which I venture to say will be of a most sound and stable character, because while it establishes a consistent policy of the repayment of Debt, it can be set aside whenever the circumstances of the country require that it should be put an end to. If the country were really in want of money,



and taxation could not be increased without injury, the first thing that the Minister of Finance would do would be to put a stop to the system of the repayment of Debt in place of borrowing money. I must apologize to the Committee for having devoted so much of their time and attention to the discussion of this point; but I did so because it was the one which was most pressed upon their attention by the right hon. Gentleman in the last part of his speech. The right hon. Gentleman referred to other matters, which I shall be ready upon the proper occasions to discuss, and I hope that the right hon. Gentleman will not think that I am passing them over because I have thought it right to confine my observations on the present occasion to that part of his speech which refers to my proposal for the reduction of the National Debt.

MR. LOWE: I wish, Sir, in the first place to correct a statement of the Chancellor of the Exchequer with reference to what occurred in 1864. I find on referring to the speech of my right hon. Friend (Mr. Gladstone) in 1864 that he said they must bear in mind that they had incurred certain charges for fortifications, and that both Expenditure and Revenue had included a considerable amount which did not appear in the accounts of previous years. With regard to the charge made by the Chancellor of the Exchequer against the conduct of my right hon. Friend in taking off taxes and yet having a deficit in the same year, I must observe that the right hon. Gentleman (Mr. Gladstone) took off the taxes in question in April, and the China War, necessitating the reimposition of those taxes, broke out in the following July, and was one of those unforeseen contingencies which no Minister could guard against. It was, therefore, owing to no fault of my right hon. Friend that the deficiency was incurred. I think that that is a complete answer to the charges which the Chancellor of the Exchequer has brought against my right hon. Friend. But we are not here to answer charges. We are here to arraign the policy of the Chancellor of the Exchequer, and to show the House why the financial proposals of the Government do not merit the confidence of the House. The right hon. Gentleman opposite has argued the matter as though he had not a deficit.

When he made his Financial Statement, he gave the country to understand that he had a surplus of some £417,000; but, in giving us those figures, he entirely left out of sight the large expenditure that will be required for the purposes of Irish Education and other matters of account. But on the faith of those Estimates, he asked the House to sanction the remission of the charge for the Brewers' Licences amounting to £60,000, the payment of £70,000 on account of interest for money borrowed on loan, and his proposal for the repayment of the National Debt, incurring a further expenditure of £185,000. The right hon. Gentleman never ventured to say in so many words that he had not a deficit, and, indeed, I do not know why he should have done so, because he seems to regard a deficit as being just as good as a surplus. The right hon. Gentleman having no money in his pocket, draws upon the negative quantity, and enters upon a far-reaching speculation for the purpose of paying off the National Debt, commencing his operations by borrowing the money to enable him to make a start. Under these circumstances, I really wonder that the right hon. Gentleman took the trouble to deny that he is in debt. Therefore, while the right hon. Gentleman does not venture to say that he has a surplus, I think that we are justified in saying that he has a very serious and considerable deficit, and that it has arisen from the want of serious consideration being given to accounts of income and expenditure. Well, this is after all but a poor affair. But although it is but a poor affair it might have been relieved if he had treated it in a more magnificent manner. We have shown that in a time of profound peace, when no emergency is expected to arise, when we only last year gave the right hon. Gentleman £6,000,000 to play with, and when we are enjoying the result of a splendid harvest, he has been unable to keep us out of a deficit. I really was somewhat ashamed when I saw the manner in which the right hon. Gentleman dealt with and palliated the circumstances of the case. He told us, in the first place, that he had retarded the progress of £300,000 of Indian money which was finding its way into the Exchequer, and he seemed to consider it a matter of no consequence. But surely it is the duty of the Chancel-

lor of the Exchequer to lay before the House the finances of the country as they actually stand, and not as he has manipulated them. Any Finance Minister who adopts the latter course enters upon what was termed some years ago in relation to railway speculations, "a culinary operation" of the most difficult and dangerous nature. Nothing can be more alarming than for it to be publicly avowed that it is the duty of the Chancellor of the Exchequer to manipulate the public accounts so as to show the revenue to be larger than it really is, and our fears would be greatly increased were we to be told that the object of such manipulation was to prevent the necessity of its being shown that there was a large deficit. It may be said that this is a small matter, and that it does nobody any harm; but the first step in such a direction is everything, however little, and if the House consents that the Minister of Finance shall cook and manage the accounts and present that as a fact which is not a fact, we are entering on a course the end of which no man can foresee. The right hon. Gentleman has not only disposed of the £6,000,000 given him last year, but he has also reduced the balances by £1,000,000, and worse than that, what kind of excuses does the right hon. Gentleman set up to cover his proceedings? Why, he says that the Government remitted a great quantity of taxes last year, and that part only of such remission came into operation during the present year, and therefore that he was entitled to consider that a portion of the deficit was a remission of this year. He also said that the coming year is Leap Year, that it contains an extra day, that there is no Easter in it, and several things of that kind, and hopes that things may be better than his own calculations have led him to believe. The right hon. Gentleman in making his Financial Statement appears to have made all kinds of mental reservations instead of telling us exactly what the state of the Revenue was. That is a matter for serious complaint, for if there is anything in the hopes that the right hon. Gentleman now entertains on the subject of the Revenue, he ought to have taken that into consideration before he presented his Estimates to the House. There is nothing more difficult than to fix upon the

right hon. Gentleman any specific statement at all. We have had of late years a pretty good time in the way of finance, even without the assistance of the Match Tax. But it seems that whenever the Conservative Party are in power there must be a deficit. After the right hon. Gentleman the First Lord of the Treasury came into office in 1852 he had to deal with a deficit, and, wanting to take off a great portion of the Malt Tax, he laid hold of a Public Works Fund and appropriated it for the purpose. That was his first experiment in finance. Then in 1858 he laid his hand upon the sinking fund, which had been provided by Sir George Cornwall Lewis, and appropriated it as part of the Revenue of the year. Now, the right hon. Gentleman has come in with every conceivable advantage, after a remission of £12,000,000 of taxes and with power to remit £5,000,000 more. We had taken off something like £26,000,000 of Debt; we had paid off £5,000,000 of the Abyssinian legacy that was left us by our Predecessors; we had expended £2,000,000 in the preparations rendered necessary by the War in 1870, and in addition we had paid £3,200,000 of the *Alabama* Indemnity, all payments of the nature of Debt. In five years, therefore, we had paid off no less than £36,000,000 Debt. If ever a Chancellor of the Exchequer came into office with a good chance of having a surplus and of cutting a respectable figure—if only for the sake of variety—surely it was the right hon. Gentleman. But what has been the result? In the first year the right hon. Gentleman squandered away the whole of the surplus which he found available when he came into office, and the next year he comes before us with a deficit. I think, under those circumstances then, that the right hon. Gentleman would do better if he directed attention to his own defence, instead of endeavouring to carry war into the enemy's country. In a most admirable manner the right hon. Gentleman sought to show that he was still remitting taxes. First, he told us that part of the remissions of last year took effect this year; and, in the second place, he pointed out that relief was given in some respects to local taxation. With regard to the latter circumstance, it is obvious that the money spent in relief of local taxation must be charged upon the Revenue of the

country; but according to the logic of the right hon. Gentleman this is remission of taxation—and therefore the more you tax a people the more you relieve them. But what I object to most of all in the right hon. Gentleman is the levity with which he speaks of a deficit. I do not know that this is a place for logical definitions; but if I were asked to define a Chancellor of the Exchequer, I would say he is “an animal who ought to have a surplus.” If—except under extraordinary conditions—he has not a surplus, he fails to fulfil the very end and object of his being. I hold that the want of a surplus in a time of peace—when there is no pressure, no panic, no great distress anywhere—is nothing less than a national calamity. Our position as Englishmen—and I feel it—is lowered by it in the eyes of the world. The right hon. Gentleman has given us a great many reasons why he has not taken off fresh taxes this year. I think he might have spared himself the trouble. It is like the person who could not fire a salute, for 13 reasons—the first being that he had no gunpowder! The Chancellor of the Exchequer having spent every shilling he had, had a good excuse for not taking off taxes. The right hon. Gentleman attached importance to the fact that next year—Leap Year—there would be an extra day, and that, moreover, the Easter festival would not fall within the financial year. Surely these are little calculations, which are more worthy of a retail trader than of a Chancellor of the Exchequer? People sometimes say that we are descending in the scale of nations—that we are not the country we are, and so on. We can still, however, point to many circumstances which prove the contrary, and notably to the rate at which we can borrow money. But if we hold ourselves out to the world, under the auspices of the right hon. Gentleman and his supporters, as caring so little for the credit of the country and for its antecedents that we do not scruple, without any occasion, to present the miserable spectacle of a Financial Statement which does not balance, how can we expect to retain our high position in the eyes of other nations? And if this is what you do when there is nothing threatening, how will it be when there is real danger and pressure? I hold that we are bound, not only as a matter of pride, but as a

matter of duty, to give an example to the rest of the world by regularity and propriety in our financial arrangements. With regard to the scheme for the reduction of the National Debt, I maintain that the right hon. Gentleman is introducing into this country a system which, from its own nature, is certain to fail, and which experience has shown to have always failed. Suppose a Chancellor of the Exchequer is asked to take off a tax—the Malt Tax, for instance. He says—“Very well, I will do it; but I must increase another tax.” But then the repealers of the other tax—say the income tax—come forward and make a similar demand, and the Chancellor of the Exchequer may stand by until the two parties fight it out. But suppose, instead of being obliged, if you yield to either of the demands, to increase the taxation in some other direction, there is a fund already provided for the purpose of paying off Debt, how long do you think the Chancellor of the Exchequer will be able to resist the pressure for an appropriation of that fund to the remission of taxation? He will say—“I want to pay off Debt.” But on all sides there will be a cry—“We do not care at all about that.” I should like to read a few lines from Ricardo’s *Essay on the Funding System* in regard to a sinking fund established in 1716—

“This fund was for some time regularly applied to the discharge of Debt. . . . Soon after, the principle of preserving the sinking fund inviolable was abandoned. In 1733, £500,000 was taken from that fund and applied to the Services of the year. In 1734, £1,200,000 was taken from the sinking fund for current services, and in 1735 it was anticipated and mortgaged. The produce of the sinking fund at its commencement in 1717 was £323,437. In 1776 it was at its highest amount, being then £3,166,517, and in 1780 it had sunk to £2,403,017. . . . On the whole, this fund did little in time of peace, and nothing in time of war, to the discharge of the National Debt. The purpose of its inviolable application was abandoned, and the hopes entertained of its powerful efficacy entirely disappointed.”

That was the experience of the first sinking fund in this country, and it is exactly what would happen now. As long as it is small—and the right hon. Gentleman has not yet contributed anything to it—it will be safe. But let it reach a larger sum, and there are numerous claimants who will try to get hold of it; and the only question will be to whom will the Go-

vernment of the day make this present that is being provided for them? It is impossible to suppose that it will last. Let us take an instance. The right hon. Gentleman at the head of the Government is now lending his countenance to the project of a sinking fund. Well, in 1855, when Sir George Lewis was Chancellor of the Exchequer, £16,000,000 were lent to the Turks, and £1,000,000 was to be used every year as a sinking fund. Soon after peace was restored, a Conservative Government came into power, and as usual there was a deficit. Then the present Prime Minister was Chancellor of the Exchequer, and the right hon. Baronet was Secretary to the Treasury. [The CHANCELLOR of the EXCHEQUER: I was not then in Parliament.] The result was, that an Act was passed under the auspices of the right hon. Gentleman opposite (Mr. Disraeli) to which I would ask particular attention. By that Act the right hon. Gentleman repealed the sinking fund scheme, and did the very thing which he is now condemning. He resisted in the most solemn manner the bad system of a sinking fund, and yet now he came down to the House to rate those who sat opposite to him because they, in Opposition, ventured to doubt the policy which he had himself so emphatically denounced. The real objection to a sinking fund is that it is a thing made to be robbed. It always has been robbed and always will be robbed, to the end of the chapter, because it is of no interest to the general public to defend it, and in a fight about taxation, with an interested party on the one side and the general public on the other, the general public will always go to the wall. The right hon. Gentleman the Chancellor of the Exchequer said, and with truth, that Terminable Annuities have in them something of the nature of a sinking fund. But, as a matter of practice, there is this difference between them—that the nature of a sinking fund, such as the right hon. Gentleman contemplates, is that it should be plundered, while the nature of Terminable Annuities is that they have not been able to be plundered. They have been efficient; they have never been interfered with by Parliament, and although I may be told that it is not logical to object to one and not to the other, I do not care whether it is logical or not; one thing is certain, that is that the country

*Mr. Lowe*

will allow us to do one thing and not the other. By this proceeding the Committee are asked by the right hon. Gentleman to do away with the system, and to destroy the only efficient means that have yet been devised for paying off the Debt. I will not dwell upon the ridiculous position in which the Chancellor of the Exchequer places the House by landing us in a deficit, and then, without a farthing to dispose of, proposing to borrow money in order to initiate a system by which he hopes to pay off £200,000,000 of Debt. The right hon. Gentleman might at least have waited until he had a shilling of his own to commence his operations with. It was urged upon Burke, when arguing the case of America, that we ought to take off the monopoly of trade and the taxation, or neither, because it was not logical to continue to monopolize their trade and not to pay taxes. He said—“I do not care whether it is logical or not. They will submit to the monopoly, and they will not submit to the tax.” That is exactly the case in this instance. I do not care for the logical objections which may be urged against Terminable Annuities; the fact is as I have said, the people of England will inevitably apply the money laid up by the right hon. Gentleman for the purpose of taking off taxes while they will not disturb the Terminable Annuities. Further, the right hon. Gentleman might have been content with landing the House in the discredit of a deficit, without striking a fatal blow which, upon the authority of his own Leader, must inevitably lead to the appropriation of the sinking fund to the necessities of the Government. One small matter I may refer to before resuming my seat—namely, the stoppage of £300,000 in its course into the Exchequer, with regard to which the right hon. Gentleman says he has let matters take their course. It is owing to the right hon. Gentleman's instructions and under his own direction that this most irregular and improper step has been taken. In conclusion, this is the outcome of the whole business—that we have got our finances into a state in which we have not seen them for five or six years, and that the only consolation the Chancellor of the Exchequer has to offer is a number of refined definitions as to the incidence of taxation, the effects of moveable feasts, and other matters of



the same nature, and then, having given us this immense boon, he takes measures, so far as human foresight can ascertain, for destroying the only means we possess for paying off the Debt of the country.

MR. HUNT felt when the right hon. Gentleman who had just spoken (Mr. Lowe) rose, that he had a very difficult task before him, because the right hon. Gentleman the Member for Greenwich had dealt with every conceivable point of attack in the proposals of the Chancellor of the Exchequer, and his criticism had been so completely answered by his right hon. Friend's speech, that he was sure the right hon. Gentleman had nothing to do but to

"Glean the blunted shafts that had recoiled,  
And aim them"

again at his right hon. Friend. They were charged with having no surplus, and it was quite possible that the Supplementary Vote for Irish Education might almost absorb the surplus after the sinking fund had been provided for; but when it was objected that a Chancellor of the Exchequer ought not to start without a surplus, he would remind the House that in 1871-2 the Chancellor of the Exchequer of that day was content to start with an estimated surplus of only £7,000, from which it appeared that what was then entirely proper was now entirely vicious. True, the actual surplus realized in 1871-2 was £3,218,000, so that, notwithstanding the dismal prospect with which that year began, it closed with a very prosperous state of the Exchequer. Therefore, before right hon. Gentlemen opposite came to the conclusion that the present year would land them in a deficit they should wait until they saw its actual result. With reference to the sums receivable from India, to which allusion had been made, he understood that both in the case of the last as well as the present Government, the receivable Order was sent to the Bank of England one day later than it might have been. Whether the right hon. Gentleman opposite had given directions to that effect he did not know; but the Order was at the Treasury, and he might have made himself acquainted with the fact if he had made inquiry into the matter. In the one instance, then, according to the right hon. Gentleman, the transaction was a most legitimate one; while in the

other there was a most flagrant dereliction of duty. The right hon. Gentleman went on to say that the late Government had left their Successors a very considerable surplus and that they had squandered it. Now, the surplus of last year had been dealt with entirely in the way of the remission of taxation; but while right hon. Gentlemen opposite were apt to boast of all that they had done in that way, they characterized the same operation on the part of their political opponents as squandering a surplus. A great deal of criticism, he might add, had been expended on the subject of the relief which was given to the ratepayers, and no doubt that which had ostensibly increased the expenditure of the country was the subvention in aid of local taxation by which very considerable relief had been afforded. In connection with the subject complaints, which had been admitted on all hands, had been made for years past that certain Imperial charges were placed solely upon a certain class of taxpayers—namely, the local ratepayers; but while the late Government found it necessary to pay attention to that grievance, it was left to the present one to deal practically with it, and he believed the relief felt by the remissions of his right hon. Friend the Chancellor of the Exchequer had been gratefully acknowledged by those who had participated in them. But the main question raised that evening was, whether the proposals of his right hon. Friend with respect to the reduction of Debt were such that they ought to receive the sanction of the Committee. The right hon. Gentleman opposite (Mr. Gladstone) contended that the plan was one which must fail, inasmuch as sinking funds had always failed with the exception of Terminable Annuities. Well, circumstances altered cases, and the failure of sinking funds, in his opinion, involved the question whether it was necessary in order to support them to impose heavy burdens on the people in the shape of taxation. It was not surprising that when war taxes were pressing on the community a Chancellor of the Exchequer should rather seek to relieve the taxpayer than to provide for the reduction of Debt. That might be his duty, while at another time when the burden of taxation was light the reduction of Debt ought to occupy more seriously his attention. And when the

right hon. Gentleman opposite contended that the only form of sinking fund which was of any value was that of Terminable Annuities, he (Mr. Hunt) would ask whether he thought those Annuities would be safe in the event of the pressure of taxation being very great? Nothing could be gathered in answer to that from what had occurred, for it appeared to him that the pressure of taxation had been very much less during the continuance of these Annuities than on former occasions when other forms of sinking fund had been abandoned. He recollected that when he himself was Chancellor of the Exchequer, and had to make provision for the expenses of the Abyssinian War, there were not wanting hon. Members in that House to urge the desirability of breaking in on the system of Terminable Annuities for the purpose of raising the necessary funds. He was, however, enabled, with the support of the House successfully to resist the proposal; but in the event of the breaking out of a war, which should necessitate the imposition of taxes of anything like a grievous nature, he had no doubt that under any system of sinking fund we should be compelled to cease paying off Debt for the period those taxes were required. But, then, the right hon. Gentleman argued that the present was not the time to enter on such a system as that proposed by the Government, because the contribution which it would be possible to make this year in furtherance of it was so exceedingly small—only £185,000. The time was, however, he maintained, an opportune one to make a beginning in the proposed direction, because there was so much less temptation to decide on any other mode of spending the money. The pressure of taxation being by no means grievous, and taxation having of late years been remitted to such an extent in the case of those classes on whom it bore most heavily, it was easier under the circumstances to make a virtuous resolve than it would be in 1885, when the Terminable Annuities would fall in, and when there would probably be a general scramble for the remission of taxes. But the right hon. Gentleman went on to say that the Chancellor of the Exchequer sneered at the system of Terminable Annuities. That, however, was not the impression which he (Mr. Hunt) gathered from the speech of his

*Mr. Hunt*

right hon. Friend. Indeed, he rather thought his right hon. Friend had pointed out that there was a scheme of Terminable Annuities which it might be advisable, under certain circumstances, to adopt; and in his Savings Banks Bill he had taken power to cancel Stock, and to substitute for it something similar to Terminable Annuities. Terminable Annuities had, no doubt, been successful as far as they had gone, but it would, in his opinion, be unwise to tie ourselves merely to that mode of operation. He thought that the matters complained of had been so entirely answered that it was really unnecessary for him to trouble the Committee further, and he hoped that the Committee would assent to the proposals of the Chancellor of the Exchequer.

MR. LAING thought the speeches to which the Committee had listened that evening, able and eloquent as they were, partook rather of the *tu quoque* line of argument, while he was desirous of addressing himself to the question as it bore on sound principles of finance. Considering himself as a financier first, and a politician next, he proposed to enter upon what appeared to him to be a legitimate criticism of the Budget in three aspects, the first of which would be the Budget of the year. That Budget was divided into two parts; one the Financial Statement, the other the scheme for the reduction of the National Debt. His only weighty objection to the first part of the Budget was summed up in the admission of the Chancellor of the Exchequer, that there was substantially no surplus, and probably none whatever. The circumstances must be exceptional in which it was not the first duty of the Chancellor of the Exchequer to provide against possible contingencies. It was a question, not of money, but of credit and security. The commercial classes felt uneasiness at the prospect of a deficit, and a substantial surplus ought to be regarded as a point of honour. The only argument against it was that it encouraged pressure from the Departments, but Government ought to be strong enough to consider demands on their merits. The reason why we found ourselves in our present position, after two years of peace and prosperity, was that remissions were carried so far last year, although he would, in passing, admit that the large reductions previously

made by the former Government in the amount of the Sugar Duties had made their total abolition a case of inevitable necessity; yet the reduction of the income tax, notwithstanding the difficulty created for the present Government by the late Prime Minister's promised abolition of it, was much less justifiable; and had it been maintained at 3*d.* instead of 2*d.*, we might now have looked forward to a surplus without reckoning upon the odd day in Leap Year. But for these large reductions of taxation the country would be in a safer position with regard to meeting any emergencies which might arise, and, at the same time, in a position to do more towards reducing the National Debt. The facts showed how injurious it was to import political considerations into our finance. The objections to the proposals for dealing with the Debt were the time and mode of doing it. The difference between a sinking fund and Terminable Annuities was this—a sinking fund was entirely optional, and there was no third party to the contract; but in the case of Terminable Annuities, there was a third party, whose claims could not be got rid of by a stroke of the pen. The old orthodox system of making an impression on the National Debt was to estimate the expenditure well on the safe side, and to apply the surplus to reducing the Debt. If we had resolution to levy £5,000,000 a-year, for that purpose that would be the most straightforward and economical course. Terminable Annuities were only a device for catching the surplus Revenue. The only objection to the sinking fund was we were under no obligation to maintain it. The great danger was, that it looked seductive on paper, and when the amount became large, it was idle to think of pledging any successor as to what he could do with such prodigious sums as would have to be levied by taxation beyond what was actually required for the services of the year. Was it not more desirable that the Chancellor of the Exchequer, 10 years hence, should be as free as the right hon. Gentleman who now held the office to deal with the circumstances that might arise according to what was best for the time? Many of the small assessed taxes were troublesome in comparison with the revenue they produced; and he would not assert that the whole of our system of taxation was so perfect that no question could arise

hereafter as to whether it would not be better to reduce taxation rather than pay off Debt. He would say nothing about the Railway Passenger duty; but why should a tradesman's cart be liable to taxation, and did not some of the licence duties require revision? As regarded tea, he supposed that all the arguments which were brought forward for getting rid of or greatly reducing the Sugar Duties would tell equally for the reduction of the duty on tea. Indeed, he thought that no greater boon could be given to one-half of the population—the female half—than the reduction, or, if it could be afforded, the total repeal of the tea duties. There were many causes of increased expenditure looming in the distance, and that was an element in the question. The debates on Army Recruiting showed that the labour market had risen against the Government, and if the security of the country required that the raw material of the Army should be improved, it might be necessary to increase the pay of the soldiers. The debate on horses, too, proved that the cost of mounting our Cavalry and Artillery was increasing. Then, again, it might be possible that in four or five years our military authorities would follow the example of Germany, and substitute breech-loaders for muzzle-loaders, at a cost of, say, £4,000,000. The charge for Education was constantly growing. The Votes for National buildings had been properly postponed for the present year; but if we were to have new Law Courts, a new National Gallery, and a Museum of Natural History, it might, he thought, be true national economy to get them finished without too much delay, so that we might enter upon the use and enjoyment of them at once. All these questions should be left to be considered unfettered by what had been determined upon five or six years before in regard to a sinking fund, and it would be neither wise nor prudent to commit a future Parliament upon the question whether the surplus revenue should go in one direction rather than another. He trusted the House would stand upon the old paths of Conservative finance which had been acted upon for so many years by politicians on both sides—namely, to maintain the old sources of Revenue, to go on with the plan of Terminable Annuities, and if we should chance to have a large surplus

two, three, or four years hence to defer the consideration of what should be done with it until that time arrived.

MR. J. G. HUBBARD said, he merely rose to call the attention of the right hon. Gentleman opposite (Mr. Lowe) to the fallacy underlying his argument as to the relative importance of a deficit and a surplus. It was obvious that a Chancellor of the Exchequer would take a sanguine view of the advantages to be derived from a considerable surplus, and he was certain, under ordinary circumstances, to keep his Estimates of Revenue at a moderate amount. The modern position of a Chancellor of the Exchequer under the system of Terminable Annuities was one in which the reduction of Debt ceased to be a source of solicitude to him, as he would only have to provide for the payment of these Annuities, and upon their expiration there would be wiped off the Debt an amount equal to the capital sum they represented. Consequently, he would have no other duty than to give the House a fair view of his revenue and expenditure. The latter was the view taken by his right hon. Friend, and he thought he had shown that it had been not only with perfect frankness, but with thorough honesty of purpose, he had made his Estimates as closely as he possibly could. On the other hand, he entirely understood the view which attached extreme importance to a considerable surplus. The right hon. Gentleman the Member for the University of London seemed to consider a large surplus a special evidence of a Chancellor of the Exchequer's fitness for his position. But if that were so, nothing in the world would be easier than to become a most accomplished Chancellor of the Exchequer. The holder of the office would only have to take counsel with those excellent gentlemen the heads of the Revenue Departments, and say to one—What may be your estimate? and if the answer was £21,000,000, he need only say, Write down £20,000,000; to another, write down £5,000,000 instead of £5,500,000, and so on. No Chancellor of the Exchequer could have it absolutely in his power to foresee the prospective Revenue; everything must depend upon the circumstances under which the Budget was made, and the objects which were aimed at. A Chancellor of the Exchequer might go a little

above or a little below the mark, and he ventured to think that his right hon. Friend had made an exceedingly good shot. He ventured, therefore, to think that there was no room for the severe censures which had been indulged in on the apparent discrepancies in the financial arrangements of the Government. When those financial arrangements had been made, and the reduction of Debt provided for to such an extent as the House might determine, it was the duty of the Chancellor of the Exchequer to lay before the House as close and accurate Estimates of income and expenditure, and in that respect he was confident the House had now no cause to be dissatisfied.

SIR JOHN LUBBOCK said, that his right hon. Friend who had just spoken (Mr. J. G. Hubbard) seemed to overlook the fact that it would not be sufficient on the part of the Chancellor of the Exchequer to under-estimate his revenue in order to ensure a surplus. He would also have to keep down his expenditure; and, therefore, the matter would not be so easy as his right hon. Friend supposed. He thought the House, in conjunction with himself, had listened with great interest to the very able statement of the Chancellor of the Exchequer, but he feared they came back to this fact—that they had only a nominal surplus at a period of great prosperity—namely, about £102,000—which would be all swept away by the Supplementary Estimates. While he heartily congratulated the Chancellor of the Exchequer on the results of last year, which were owing to an excellent harvest, he was glad that the Estimates of this year were founded on a different basis. The right hon. Gentleman said he was glad the money was in the pockets of the people and not in his cash-boxes. He had listened to that part of his speech with some regret, and it was quite inconsistent with the latter part of his speech, in which he forcibly pointed out the importance of reducing our Debt. The right hon. Gentleman thought that £28,000,000 should be devoted to the principal and interest of the Debt; but he was obliged to carry out this policy by three yearly increments. Why could he not at once carry out his policy? He was prevented from doing so by his Budget of last year. It seemed, therefore, inconsistent that the right hon.

*Mr. Laing*



Gentleman should congratulate himself on that Budget. The right hon. Gentleman the Member for Greenwich and the right hon. Gentleman the Member for the University of London had referred to past precedents which appeared to satisfy them that the Debt was not likely to be reduced by a fixed annual sum. But the circumstances of the present period were different from those of the previous periods, and he was, therefore, on this point, more disposed to take the view of the Chancellor of the Exchequer. The pressure of taxation was now much less than formerly, and the public opinion of the country had been educated on the subject. There was, however, this objection to both plans—that they did not bring prominently before the minds of the public the great advantage of reducing Debt. He believed that if not only the interest of the Debt was paid, but also an appreciable portion of the principal each year, the public would see by the annual burdens becoming less and less each year, the real advantage and importance of extinguishing the Debt.

SIR JOHN KENNAWAY said, the Chancellor of the Exchequer had deliberately come forward and proposed a definite plan by which they might make some practical inroad upon the National Debt, and he thought the right hon. Gentleman must have been greatly encouraged by the support he had received from all parts of the House. During the last 47 years, notwithstanding the public income had increased 65 per cent, at the same time that the amount of taxation had been diminished, we had only paid off £160,000,000 of our Debt, while we had added to it £73,000,000. The plan brought forward by the Chancellor of the Exchequer would avoid an annual Vote and annual discussion of the sum to be set aside; it was a most practical one, and one which the country always received favourably in times of peace. The right hon. Gentleman the Member for Greenwich found fault with it; but why had he not proposed a better plan when he controlled the finances of the country at periods of unexampled prosperity? When the right hon. Gentleman the Member for Greenwich promised the nation the magnificent surplus of £6,000,000 on the eve of the last General Election, he made no allusion to the repayment of any portion of the National Debt. Parliament had been

legislating with the view of educating the people and of teaching them to be provident and self-denying; but if they wished their recommendations to have any effect, they must begin by setting the people a good example by providing for the repayment of the National Debt while the country was prosperous and we had the power of doing so. He was not sorry the income tax had been retained, as it was a most reliable source of Revenue, and it did not press hardly on any one at the present time. The country saw that there must be a certain amount of direct taxation, and they preferred the income tax to an enormous increase in the legacy and succession duties, which it was generally understood was the way in which the right hon. Gentleman the Member for Greenwich intended to recoup the Exchequer for the loss of the income tax. He entirely approved the proposals of the Government with reference to the relief of local taxation; while by their scheme in connection with the local loans, much benefit would be conferred upon the country. The financial measures of the Government would be of great practical benefit, and he trusted that the House would confirm the favourable verdict given by the country on the Budget.

GENERAL SIR GEORGE BALFOUR said, he felt bound to protest against the unjust and unfair attack which had been made upon the Chancellor of the Exchequer in reference to the Exchequer balances left out of income after meeting all charges. It was in every way advantageous to the country to have a Chancellor of the Exchequer working on close estimates, whether of income or expenditure. There was no measure more conducive to exactness and regularity than that of enforcing accurate Estimates. The mere fact of showing that there was no surplus income available for the wants of Departments, effectually prevented the sending in of Supplementary Estimates for additional expenditure. No doubt this bad practice was not only stated by the Chancellor of the Exchequer of the late Liberal Government to be unavoidable; but no one acquainted with departmental arrangements could have heard this avowal with any other feeling than that of regret, and might well lead to the report that, on hearing it, the late Prime Minister left the House. No doubt, the present Chancellor of the

Exchequer had appropriated the income derived from the whole nation in aid of local taxes for local purposes, and in a way which he could not approve of; but he must admit that, in affording some relief to local taxation, the right hon. Gentleman had only acted in conformity with the desire of the Conservative Party. Had the right hon. Gentleman, however, instead of affording that direct relief out of the Consolidated Fund, merely handed over to the local authorities certain taxes, such as the tax on male servants, on carriages, on armorial bearings, also the gun and dog tax and even the publicans' and other local licences, he would not have laid himself open to the reproach of having increased the expenditure of the country, and would have been spared the reproach of adding to the dangerous practice, previously in force, of powerful parties putting their hands into the Treasury chest of the nation to use public funds for local purposes. The principle which the right hon. Gentleman had adopted of only retaining a small surplus was a very wise and prudent measure, because it would prevent premature attacks being made on the Revenue of the future, and would make all the Departments of Government very cautious in their expenditure. He saw no great objection to the plan of the right hon. Gentleman for the reduction of the National Debt, and he thought that the right hon. Gentleman was not open to the censure and blame which had been cast upon him by right hon. Gentlemen who had attacked his proposals. No doubt the old practice of 150 years of meeting debts by Terminable Annuities was a wise mode of concealing payments for debt; but if the nation would bear a direct charge, as proposed, then it might be tried until the people called for a return to the annuity system.

MR. W. S. STANHOPE said, he also wished to express his warm approval of the financial scheme of the right hon. Gentleman, which would preclude any scramble for the large sum that would fall in during 1885. In 1853 the right hon. Gentleman the Member for Greenwich had commenced to speculate upon the falling in of the Long Annuities in 1860; but when the latter year arrived, instead of the income tax being repealed, it had reached the high figure of 10*d.* in the pound. He took credit to the Conservative Party for hav-

ing originated the system which for a considerable time had been gradually reducing the Debt; but, at the same time, he acknowledged that that system had been supplemented and honestly carried out by the late Government. It seemed to him, however, that a yearly appropriation of a fixed sum of money out of which to reduce the Debt was the simplest and most straightforward way of proceeding. This policy might be of vital importance in future generations. We owed much of our commercial superiority among nations to the abundance of our coal supplies, and when coal became scarce—as there was reason to fear it some day might—it would be well if the country had not to bear the burden of a heavy National Debt. With regard to taxation, he would suggest to his right hon. Friend the Chancellor of the Exchequer whether the dog tax might not, with great advantage to the public safety, be increased, so that by limiting the number of those animals, it might have its due effect in repressing the fearful malady of hydrophobia.

SIR JOSEPH M'KENNA said, it was his intention, in the few remarks he had to offer to the Committee, to address himself to the scheme contained in the Resolutions of the Chancellor of the Exchequer. As regarded the general character of that scheme, he thought the Committee had little else to do than to accept or to reject it *in toto*. There were in it, no doubt, things to affirm or applaud, and others that might not be so satisfactory to some hon. Members; but, as he had said, the scheme was one which should be accepted or rejected *in toto*. What he wished mostly to urge, however, was this—That if this scheme of the Chancellor of the Exchequer was intended to bind future Parliaments and future Chancellors of the Exchequer to the allocation of any particular surplus for future years, it was amenable to many objections, some of which had been very ably stated by the right hon. Member for Greenwich; but if it went no further than to propose a plan which might be acceptable to the present views of Parliament, and which might be approximated to or departed from, as they thought fit, hereafter, it appeared to him to be about as good as any scheme which had been launched in previous years. With regard to the efforts made for the reduction of the National Debt, he would

*General Sir George Balfour*

only observe that if the whole of the reductions by Terminable Annuities were to be capitalized that they would not amount to more than the additional taxation raised in Ireland since 1841. He said that as an Irish Member, and he would strongly object to having any stereotyped scheme recognized by Parliament, that should bind them in their future contributions to the Imperial Exchequer. On the other hand, he admitted it was desirable that Parliament should place the country on short allowance with respect to the use of its surplus revenue in prosperous years. To that extent, perhaps, Terminable Annuities were preferable to other modes of reducing the Debt. He did not know that there was so much difference between the two schemes, the more so as, in principle, they were what every prudent householder practised—namely, the laying by of a small sum periodically that a larger one might return afterwards. With regard to the amalgamation of the old Savings Banks with the Post Office Savings Banks, he looked on that as a highly critical and dangerous operation. Some of the old Savings Banks were among the best managed institutions in this country or in Ireland. It had been a principle with Conservative Governments to treat existing institutions as tenderly as possible; and he believed that a great feeling of insecurity would arise in many places where the old Savings Banks had a great hold, if the proposal of the Chancellor of the Exchequer were adopted with any view to merge them in the Post Office system, but he did not understand the right hon. Baronet to propose taking that step.

MR. BIRLEY said, he approved of the scheme of the Chancellor of the Exchequer, because it appeared to him to be plain and simple in its character, moderate in its compass, and that it would come into operation at an early period. The right hon. Gentleman, he thought, had satisfactorily disposed of the question of Terminable Annuities in one of the best financial expositions which he had ever heard. That able speech by which, as he might say, the right hon. Gentleman had enraptured the House, had to his mind completely disposed of the charges which had been brought against his financial administration by the right hon. Gentleman opposite. The charge, especially that ex-

travagance was the normal fault of Conservative Ministers, came with a very bad grace from the right hon. Gentleman the Member for Greenwich, seeing that he had in his hand a paper while he was making that charge which showed that the last year of his own administration of the finances of the country was one in which the expenditure had been the largest known for several years. It was possible, of course, as had been contended, that the scheme of the Government for the reduction of Debt might before the lapse of 30 years have to undergo considerable modifications; but even were it to continue in operation for only nine or ten years, it would do much good by enabling us to borrow money on much more favourable terms than would otherwise be the case, besides committing us to a course of continued economy. Among many topics which had been adverted to in the debate was the probable duration of our coal fields. There had been several estimates of that duration, none of which had been very satisfactory; but he wished to observe that he had once read in an old book that England was doomed to commercial extinction with the extinction of her forests, when she would no longer be able to build ships to compete with foreign countries on the ocean. That apprehension had been so completely falsified, that it might very well be that the apprehension founded on the limited duration of the coal supply might be just as ill-founded. As to the amalgamation of the Savings and Post Office banks, he understood it was the intention of the Chancellor of the Exchequer not to take entire possession of the money in those banks, but simply to consolidate the accounts, and the security would remain as good as ever.

MR. PEASE admitted that the Estimates of the Chancellor of the Exchequer for the last year were practically correct; but when he now, without any surplus, talked of Supplemental Estimates, and looked to something to “turn up” in order to meet them, he was reminded of the language of Mr. Micawber, a policy which he thought was one that would not be highly approved by the country. If, too, the right hon. Gentleman wished to reduce the National Debt, he ought, he contended, instead of tying the hands of future Chancellors of the Exchequer by the

scheme which he proposed, to have set down the amount required in his Estimates. That was the proper way to deal with the matter, for then the House would have the real state of the case from time to time before it, and would be in a position to decide whether, under the circumstances, it would back up the Finance Minister in his proposals or not. That, in his opinion, would be a more business-like mode of dealing with the question than the plan suggested by the Government.

MR. SCOURFIELD said, however desirable it might be to reduce the Debt, the backbone of the whole business would be the imposition of new taxes to meet the exigency. He quoted a letter he had received deprecating the annual scramble of interests for any surplus, and advocating the bold appropriation of surplus to reduction of Debt as a policy which would be approved by all intelligent classes. At present our danger lay in giving up taxes and in deceiving ourselves by fine words. The right hon. Gentleman the Member for Greenwich would not deceive others, nor be deceived by them; but did he not sometimes impose upon himself? We were led away by metaphors. Under the cry of "The last rag of Protection" we gave up a registration duty on corn, which was not felt, and the duty on timber; other taxes were yielded up as being "taxes on knowledge," or to meet demands for a "free breakfast table," and the income tax had been very nearly shipwrecked by talk about "lightening the springs of industry." He would suggest a new tax to be imposed on phrases and metaphors; it would produce a considerable income, and a large part of it would be paid by Members of the House. The proposal of the Government as to the Debt was objected to as binding future Parliaments. There was no danger of doing that; we could not do it. The duty of all who desired the welfare of the country was not to lose sight of the importance of reducing the Debt; and, although each reduction might be small, the effect on the credit of the country would be great, particularly at a time of emergency. So long as the credit of the country was good there would be no difficulty in raising money at a low rate of interest.

MR. W. SHAW said, he had heard nothing to change his first impression

that the Budget was a business-like Financial Statement, and, although exception might be taken to the scheme for reducing the Debt, he defied any Chancellor of the Exchequer to produce a scheme that would not be open to objection. He would suggest for consideration an income tax on a graduated scale, believing that persons with £1,000 a-year or more would not object to an extra penny in the pound if the proceeds were to be applied to the reduction of that Debt, in the creation of which the working classes had no voice. He would further suggest that the local loan system should be expanded and also extended to Ireland. An Imperial guarantee assisted a metropolitan loan materially. Why should not local loans be partially guaranteed by the Government?—say, to the extent of £60,000,000 of the total of £80,000,000. Then, instead of local authorities borrowing at 5 per cent, the Government would be able to borrow the money at 3½ per cent and to lend at 4 or 5 per cent for local improvements offering a substantial security, and thus, while promoting the reclamation of waste lands and sanitary reforms, secure at the same time a profit to the Exchequer. In that way alone very considerable local relief would be afforded; and if the loan system, so improved, were extended to Ireland, that country might obtain some of the spoil, of which at present its share would be very small indeed. The cost of the Army might be materially reduced, with benefit to the soldiers, by finding them useful employment. He had observed the temptations to which the men were exposed by idleness, when within a short distance of the barracks there was reclaimable land which would have paid for any labour they might have bestowed upon it.

MR. BUTLER-JOHNSTONE wished the Chancellor of the Exchequer had operated on the National Debt last year when he had a substantial surplus in hand. He begged to thank the right hon. Gentleman for his statesmanlike speech on the National Debt, and he also congratulated him upon having no surplus. He could not help thinking that there was some danger in the modern plan, not simply of reducing taxes, but year after year of abolishing them altogether. It seemed to him therefore that a check upon prosperity



such as we had had in the last few years would be most salutary. Chancellors of the Exchequer, drunk with success, had year by year remitted taxation until we had almost come to this—that all taxes would be abolished owing to the coffers of the Chancellor of the Exchequer being so full. There was, however, this remarkable feature in the finances of late years—that not only had taxes been lessened, but entirely remitted, the effect being to make the sources of our supplies become annually smaller and smaller. Not a single new tax had been imposed of late years, and nothing less than the unbounded prosperity we had recently enjoyed would suffice to maintain our present expenditure. A large proportion of our Revenue was raised from beer and spirits, and it was taken for granted that the people's taste for those liquors would continue. But revolutions in taste were not very rare, and it was possible that while the taste for beer might remain, the consumption of ardent spirits might undergo a great change and diminution. At all events, there was some danger in allowing so large a portion of our Revenue to rest upon a basis of national vice—upon what might be called a tax upon vice and drunkenness. Under these circumstances, it would be prudent to lessen the national liabilities as much as possible. No parallel could be found either in ancient or modern times to the prosperity which this country had enjoyed during the last few years; but what ground was there for supposing that it would always last? Our prosperity and wealth depended, for example, in the first degree upon our getting a cheaper supply of coal than other nations, and without this the whole fabric of our prosperity might crumble away. The relations between masters and workmen in this country were in anything but a satisfactory position, yet the whole of our material prosperity depended upon the continued exercise of temper and tact between two great rival organizations. He rejoiced that the National Debt was to be systematically reduced, as he believed that its reduction would promote the prosperity of the people, and he thanked the Chancellor of the Exchequer for the resolution he had arrived at in reference to the income tax, one of the least injurious and unjust of our imposts, and which had done

such great things for the country in the past, and would materially assist in lightening our load of debt in the future.

MR. DODSON said, that reference had been made by the hon. Member for Bandon (Mr. W. Shaw) to the subject of local loans for the accommodation and benefit of Ireland. He (Mr. Dodson) had no objection to the granting of such loans with proper security, but would remind the House that anyone who had looked into the Report of the Committee on Public Accounts would see that the country had many bad debts arising from local loans. He, however, would not say in what part of the United Kingdom the greater part of these bad debts were to be found. The hon. Gentleman who had just spoken (Mr. Butler-Johnstone) was happy that there was no surplus. He ought to be extremely happy, because, according to the figures of the Chancellor of the Exchequer, it was likely that, instead of a surplus, there would be a deficit. The hon. Gentleman had spoken of revenue derived from vice and drunkenness, and he (Mr. Dodson) himself hoped to see the day when the revenue from spirits would be diminished by increased habits of sobriety on the part of the people; but when the hon. Gentleman spoke of a tax upon vice, he feared he was about to bring the House back to the days of Dean Swift, when it was suggested that there should be a tax upon people's vices and virtues, and that people were to estimate their own virtues and their neighbour's vices. With reference to the past Budget of the Chancellor of the Exchequer, there was one part of the criticism to which it had been subjected in which he never had joined—namely, that his estimate of Revenue would not be realized. Nor did he now join in the cry of those who found fault with the right hon. Gentleman because his estimate of the different branches of the Revenue did not come out in the manner he anticipated. The right hon. Gentleman, or any other person filling the same position, had to estimate as well as he could the amount to be obtained from the different sources of Revenue; but it was an absolute certainty that when he had made the best Estimates he could, some of those sources would produce less, and others more than the expected amount. If the results in the main came out right, there was no use in complain-

ing. More especially was that the case with regard to the Customs and Excise. The Excise had disappointed the right hon. Gentleman's anticipations, but the Customs had exceeded them; and he could not be found great fault with for that, because, after all, the Excise and Customs were cognate branches of the Revenue. But there was another branch which stood separately and on a different basis—namely, the Stamp Duties, which depended upon the prosperity of the country, and not upon the consuming power of the masses. It was in this branch that the greatest failure had arisen. The right hon. Gentleman reckoned upon an income from Stamps of £330,000 above that of the preceding year, and actually realized £10,000 less; and he (Mr. Dodson) should be glad to know to what cause that unexpected shortcoming was attributed? The right hon. Gentleman anticipated that the coming year would be a good financial year because it would have fewer holidays than the past year; but were fewer holidays favourable to the consumption of articles from which a large revenue was derived? The right hon. Gentleman seemed to look forward with a light heart to the Supplementary Estimates to be presented; but he (Mr. Dodson) thought their effect would be to sweep away the surplus of £102,000 to which the Chancellor of the Exchequer had reduced himself. Last year, the Supplementary Estimates amounted to £1,654,000, and the excess of expenditure over the normal estimate of the Budget was £1,426,000. Out of that amount £512,000 was given in aid of local rates, instead of £1,010,000 as promised, and yet on the year there proved to be an expenditure of £914,000 in excess of the Estimate. If the right hon. Gentleman had only the ordinary Supplementary Estimates of £300,000 or £400,000 to provide for this year, the balance would be on the wrong side. To what was he trusting to meet the Votes for Irish Education and the Supplementary Estimates? Was he trusting to the increment of Revenue above that of last year? He had discounted that in the total Estimates of Revenue he had given, for he had taken increments amounting in the aggregate to £986,000. No doubt this was much less than the increment of Revenue he reckoned upon last year which, after

*Mr. Dodson*

deducting the Sugar Duties and taking 1*d.* off the income tax, amounted, to £1,533,000. The right hon. Gentleman had, however, deliberately stated his estimated increments from the different branches of his Revenue for the coming year; could it be that to meet the Supplementary Estimates and other expenses he was secretly trusting to increment upon increment? If he was doing that, he (Mr. Dodson) did not think it was a prudent or a fair course to pursue towards Parliament. The Chancellor of the Exchequer being, however, according to the figures he had laid before the House, in an impecunious state, in the face of his difficulties, proposed a gigantic scheme for the reduction of the National Debt. This, if carried out, might produce the greatest amount of reduction of Debt ever yet attempted; but before he did that, he ought to be in a position to give the House some earnest of his sincerity by flinging into the gulf some surplus of his own, and not merely cut off the prospective surpluses of his successors. He (Mr. Dodson) did not, however, think the right hon. Gentleman would be successful in inducing future Chancellors of the Exchequer, and especially the Chancellor of the Exchequer of 1885, to follow his lead, any more than the fox who lost his brush in the trap induced his comrades to part with theirs. The right hon. Gentleman sneered at the system of Terminable Annuities, but he had last year created a batch of them, and now proposed a scheme which was equally expensive and far less permanent. Terminable Annuities, like a fixed apportionment of capital for payment of debt, involved a present burden for the value of future relief. Terminable Annuities were looked upon, however, as a contract with someone or other, and experience showed that they were respected. A fixed apportionment never had long proved tenable, and in this case the result would be that some future Chancellor of the Exchequer, if not the right hon. Gentleman himself, would ask the House to set his plans aside. The Government, in fact, was only adding one more good intention to those with which the floor of this House and of another place was popularly said to be paved. Last year, the right hon. Gentleman had a magnificent surplus; but instead of throwing that into the gulf for the pur-

pose of reducing the National Debt, he applied it to making things pleasant all round. Now he proposed to be virtuous at the expense of his successors. "The system of paying off Debt by fixed appropriations was false in principle, injurious in practice, and one to which the wisest men were adverse." Those, however, were not his (Mr. Dodson's) words but the words of the right hon. Gentleman the Member for Buckinghamshire in 1858.

MR. SAMUDA said, he approached the subject as an ordinary man of business, and as such thought that, notwithstanding the intricate and elaborate web which had been woven round it by his right hon. Friend the Member for Greenwich, the subject of the reduction of the Debt was really a very simple one. To set aside a fixed sum to discharge Debt which had been incurred was the course which naturally commended itself to any prudent man who had the misfortune to get into debt or difficulty. This was what the Chancellor of the Exchequer now recommended, and he could not see that there was any substantial difference between that plan and the system which had been adopted by the late Government. He (Mr. Samuda) had turned the matter over in his own mind no end of ways, and had even brought a proposal on the subject before the House, in which he had suggested that the Debt should be cleared off by means of annuities for 99 or 100 years. Such a scheme had some recommendations, and for an immediate expenditure of £500,000, in 100 years the country would be able to extinguish £100,000,000 of debt. But all these proposals came to the same thing in the end—and he was disposed to be contented with the scheme of the Chancellor of the Exchequer, which was to his mind a very proper and wise one. In regard to the Income Tax, he suggested that, on account of the difficulties connected with it, and the evil effect it had in inducing deceit, it might be well to rely upon a Property Tax in its stead. He believed the fear that this would give an undue advantage to persons engaged in trade was quite unfounded.

MR. CHILDERS said, the debate had ranged over three principal subjects—namely, the state of the account for last year, the Budget Estimates of Income and Expenditure for the present year, and the scheme proposed by the Chan-

cellor of the Exchequer for permanently reducing the Debt. As to the first, it was a point of importance to notice, that whereas for many years past there had been a surplus of Revenue over Expenditure applied to the reduction of the National Debt, during the last year there had been no such surplus whatever so applied. A Return for which he had moved showed that although during the last five years no less than £3,200,000 a-year had been applied to the reduction of the Debt, or nearly £16,000,000 altogether, irrespective of the reduction through Terminable Annuities, during 1874-5 the sum applicable to the reduction of the Debt was nothing whatever. It was said that something would have been so applied, but that the Chancellor of the Exchequer at the end of the year had authorized a certain sum that would naturally have come into last year's account to come into the account for the present year; and thus nothing was left available for the reduction of the Debt last year. But the explanation given that night by the right hon. Gentleman as to the grounds on which he authorized that transfer to be made was inconsistent with his statements to the House last year. In his Budget Speech last year, the right hon. Gentleman said he anticipated a very large payment on account of the reduction of local taxation; before the end of the Session he discovered that a considerable part of that sum would not come in course of payment during the financial year; and in connection with that discovery he placed an amended Budget before the House, including considerable Supplementary Estimates for ordinary services, and less aid to local taxation. But on that occasion he gave no hint that he proposed, in consequence of this diminished aid to local taxation, to hold back any part of the Miscellaneous Revenue. Anyhow, not one farthing last year went directly to the reduction of Debt—a striking satire on the Chancellor of the Exchequer's profession. With regard to the payments in respect of fortifications, he had referred to the debates of 1864, 1865, and 1866, and he found that in the Financial Statements of each of those years, his right hon. Friend the Member for Greenwich expressly named the amounts, and stated the surplus both ways, both including and excluding these payments.

The non-statement of those sums last year concealed—he did not use the word offensively—from the House the fact that, so far as the surplus applicable to the reduction of Debt was concerned, instead of a surplus there was a deficit, and that the first deficit for six years. The consideration of that fact afforded the strongest reason why the estimated surplus for this year should be carefully scrutinized. Now, the nominal surplus was £417,000. Against that there came the following charges:—There was £60,000 on the Brewers' Licences; then £70,000 on account of the interest on the Debt contracted for local purposes; then £120,000 on account of the deficient interest in regard to the old Savings Banks; and £118,000 on account of the Irish Education Vote, which was not a Supplementary Estimate but an omitted Estimate, and a further sum would have to be added to that £118,000. Those items swallowed up the whole of the surplus before they came at all to the sum which the Chancellor of the Exchequer proposed to apply to the reduction of the Debt. It had been suggested that the deficient interest on the Savings Bank account might fall on 1876-7, but he maintained that it could not, under the Bill brought in by the Chancellor of the Exchequer, be fairly excluded from the account for the present year, 1875-6. If that were so, it was perfectly plain that the balance, according to the estimate of his right hon. Friend, at the end of the financial year would not amount to more than £50,000. Was it possible, he would ask, that in a year of profound peace the House could accept, as satisfactory, Estimates which started with either a deficit or a surplus of £50,000? But the Chancellor of the Exchequer suggested that there might be some further increase of the Revenue to the extent of £500,000, out of which he would be enabled to meet the Supplementary Estimates for which he would have to make provision. Now, he for one, protested against the doctrine, which had been this Session, he believed, broached in the House for the first time, that a Chancellor of the Exchequer might, after the lapse of a few weeks from the day when he had stated what the Estimates of Revenue and Expenditure were, come down and say that he expected to get £500,000

more money. It was perfectly impossible to have a true system of finance if a Chancellor of the Exchequer might in the course of a few days vary his Estimates in that way. But, in a Return for which he (Mr. Childers) had moved as to the probable amount of the reduction in the amount of the National Debt for the next few years, he found that the right hon. Gentleman had taken credit for the very £500,000 which he was now proposing to appropriate as an unappropriated surplus. In the account which had been laid on the Table on the 20th of April were two columns—the one showing the amount of stock which it was proposed to purchase out of the fixed charge of £28,000,000, while in the other the surplus of Revenue over Expenditure, including this charge, was given at £500,000. If such loose Estimates were accepted by the House, he could only say that it would be doing that which it had never done in past times. Having made those remarks with reference to the accounts for the present year, he wished to say a few words with respect to the main proposal of the Government for the reduction of the National Debt. The right hon. Gentleman proposed to reduce within a period of 30 years the Public Debt by over £200,000,000. Well, that was the statement which had so impressed the public mind, who believed that a third of the Debt would be redeemed in the course of a short time, that in a few days after the announcement was made there was an extraordinary rise in the Funds. Now, he had moved for a Return which contained the figures showing how the scheme was to be carried into effect. The proposal of the Chancellor of the Exchequer was that, by the process practically of compound interest there would be applied stated sums rising from £275,000 to £960,000 during the next 10 years annually to the reduction of the National Debt—sums amounting altogether to £6,795,000, or something over £600,000 a-year. The right hon. Gentleman at the same time anticipated that the normal surplus of income over expenditure would yield £500,000 a-year, or £5,000,000 for the 10 years. Putting those two sums together, he expected to reduce the Debt during the next 10 years by the sum of £11,000,000, or rather more than £1,000,000 a-year. That was the first

*Mr. Childers*



part of the right hon. Gentleman's scheme. Let the Committee bear in mind, then, that all that was proposed was, that by the ordinary operation of the sinking fund of 1829 and the new sinking fund, there should be applied about £1,100,000 a-year during the next 10 years with the same object; the fact being that the sum which had actually been thus applied to the reduction of Debt during the five preceding years was no less than nearly £16,000,000, or more than £3,000,000 a-year, so that the grand scheme of the right hon. Gentleman, even upon his own showing, was to apply £1,100,000 to the reduction of the Debt by two methods, through the employment of one of which only by the late Government, no less than £3,000,000 a-year had been so applied during the previous five years. In 1885 and 1886 Terminable Annuities would fall in to the amount of between £5,000,000 and £6,000,000 and the Chancellor of the Exchequer proposed that the whole sum should be applied to the reduction of the Debt, and that we should this year pass an Act under which, in about 20 years afterwards, or in 1904, there should be appropriated to the reduction of Debt, from the ordinary excess of income over expenditure, a sum of £14,300,000. Therefore, the scheme came to this—that for 10 years the appropriation towards the Debt was to be one-third of what it had been in the past, and then it was suddenly to be enormously increased. Was it possible the Legislature would venture to lay down that in 1904, £14,000,000 of the National Debt should be paid off by taxes? No Parliament was ever asked before to bind itself and its successors to take £14,000,000 out of the taxes to reduce the Debt. This part of the scheme was impossible. The Chancellor of the Exchequer seemed to think that, in comparing the reduction in the next 10 years with that of the past five, he had included in the latter the operation of the Terminable Annuities. Not at all. During the last five years the Debt had been reduced by Terminable Annuities to the amount of £16,000,000; and, by the two processes together, by the sum of £6,420,000 a-year—a very respectable amount indeed, and as much as the country could be fairly expected to contribute. Therefore, he repeated, what the Government

were proposing to do, under cover of a magnificent scheme, was to apply at first a much smaller sum than had been applied during the last five years, and to apply enormously increased sums afterwards. Was it reasonable to start such a scheme, at a time when we had no surplus? Why should this plan be preferred, when it was known to be vicious in itself, to have broken down in the past, and to be more likely to promote extravagance than economy? The demerit of the scheme was, that it purported to apply sums of money to the reduction of the Debt before it could be known whether they were applicable; it involved operations in the dark. The only way in which we could satisfactorily attack the Debt was by keeping expenditure well within income, and applying the difference, when it was ascertained, to either temporary or permanent reduction. There were two plans of operating upon the National Debt—one by the Sinking Fund under the Act of 1829, and the other by the process of Terminable Annuities. It appeared, from a Return for which he had moved, that the amount of permanent stock in the hands of the Government was £98,000,000, and that sum might be operated upon so as to produce Terminable Annuities to almost any extent required. Depend upon it, the only way of permanently maintaining fixed charges for the reduction of the Debt was by means of Terminable Annuities; and when the Chancellor of the Exchequer had a reasonable, well-ascertained, actual, and available balance, he should use it for such conversions. What he complained of at present was, that the Chancellor of the Exchequer was building up another Sinking Fund on a surplus which he had not got; while the real way to reduce the Debt was, when there was a real surplus, to use it to connect the funds in the hands of the public Departments. He regretted that the plan of Terminable Annuities should have been prejudiced by the speech and plan of the right hon. Gentleman; and he still hoped that the Chancellor of the Exchequer would lay before the House some proposal for dealing effectively with the Debt by Terminable Annuities, and not ineffectively by this shadowy return to an exploded system.

MR. W. H. SMITH said, he thought he might congratulate his right hon. Friend the Chancellor of the Exchequer upon the fact that although there had been no lack of effort to place his financial proposals in no very favourable light before the Committee, they had as a whole met with very general acceptance. The objections raised by the right hon. Gentleman the Member for Pontefract (Mr. Childers) divided themselves into two heads; first, that his right hon. Friend had attempted to deal with the Debt by means of a sinking fund when there was no balance available for that purpose, and further, that he was dealing with the Debt by a method which was foreign to the experience of late years. He (Mr. W. H. Smith) could not but be surprised at objections being made to proposals now, when no new taxes were being imposed, which were made practically to establish an equilibrium in the finances of the country, when only three years ago proposals were made to, and sanctioned by, the House, which left the Chancellor of the Exchequer with a surplus of £7,000 only. Great stress had been laid upon the fact that the Chancellor of the Exchequer estimated only for a surplus of £500,000, but did the Chancellor of the Exchequer five years ago estimate for a surplus to be applied in the reduction of Debt? For his own part, he thought his right hon. Friend had taken a moderate estimate, and one that was correct, in assuming that the taxation of the country would bear the charges upon it, and leave that amount of surplus. Was there any probability, so far as the statements made in that House were concerned, that in one year there would be a surplus of £6,000,000, in another of £2,000,000, in another of £5,500,000. If there had been, he believed those sums would have been, not applied towards the reduction of Debt, but in the reduction of taxation. His right hon. Friend opposite had spoken in strong terms about the contracts made as to Terminable Annuities. But what did those so-called contracts consist in? In this, that the Chancellor of the Exchequer in Downing Street wrote to the Chancellor of the Exchequer in the Old Jewry representing the National Debt Commissioners requesting that a certain sum of money should be converted into Terminable Annuities. The result was,

that at the present time a sum amounting to £3,707,000 had been paid off the National Debt; but objection had been taken that that arrangement was a very good one as far as it was a contract between the Chancellor of the Exchequer in Downing Street and the Chancellor of the Exchequer in the Old Jewry; but that if an Act were passed it would be a much more easy process to get rid of the Act, than when pressure arose to get rid of a charge which by a similar Act of Parliament might be re-converted into Perpetual Annuities again. For his part, he had no doubt that if a time of pressure came, the one Act would be quite as secure as the other. But there was this vice with respect to Terminable Annuities, that it was impossible to tell at what price they could buy back the Stock, or whether the funds of the Savings Banks would, at the end of the operation, result in a sum of money which would fairly represent the sum at which they were converted in the first instance. It had been said, as an objection to the policy of Her Majesty's Government, that there had been no reduction of Debt last year. But one of the provisions of the Budget was, that £500,000 should be applied to raise £7,000,000 of Terminable Annuities, and that amount of Debt would be extinguished in 1885. [Mr. Dodson: That was derived from interest on local loans, which was not Revenue.] It was the first time he had ever heard that interest did not become Revenue. The interest in question was appropriated in former years to the Balances; but from this time forward it would go in reduction of the National Debt, and he claimed that it was a distinct advance in the principle of sound finance, that income should be applied to definite purposes previously assigned by the Chancellor of the Exchequer in the House of Commons. What his right hon. Friend proposed was, that a fixed sum of £28,000,000 a-year should be applied to pay the interest and a portion of the principal of the Debt. The balance applicable towards the extinction of the National Debt under the scheme of the Chancellor of the Exchequer would increase from £200,000 per annum next year to £960,000 in 1884-5, and that would be supplemented by such surpluses as might remain in the hands of the Chancellor of the Exchequer from

time to time. That the present taxation was borne without effort and without difficulty by the country was evidenced by the continued prosperity of the Revenue, which almost every year exceeded the calculations of the different Chancellors of the Exchequer, and therefore he trusted that the country would continue to bear without murmur the small charge which it was proposed to appropriate to the sinking fund for the extinction of the National Debt. He was not quite sure that the Committee thoroughly understood the propositions of his right hon. Friend with regard to any future loans for fortifications or local barracks. It was proposed that for the future, if it were necessary to borrow money for such purposes, no sums which remained in the hands of the Chancellor of the Exchequer should be taken, but that they should go in reduction of the National Debt, while a fresh loan should be opened for the fortification and barrack account. The accounts for the Savings Banks were to be made up to the 31st of December, instead of the 20th of November, the date at which the old Savings Banks accounts were made up; but such accounts were to be laid before Parliament within four months. Under these circumstances, the deficiency of the year would be included in the Estimate of the following year; and he did not think that was an unsatisfactory or an improper arrangement under all the circumstances of the case. Objection had been taken to the Government proposal with regard to the old Savings Banks; but it must be recollected that the acceptance of that proposal would not involve any change whatever in the liabilities of the country towards the trustees of such Savings Banks. On the whole, he would claim for the Bill the virtues of simplicity and security, and for the statement of the Chancellor of the Exchequer the advantages of simplicity and clearness; and he believed that those virtues and advantages would recommend both the Bill and the statement to the good sense of the House and of the country.

MR. WHALLEY thanked the right hon. Gentleman the Chancellor of the Exchequer for his Budget, and for the declaration that the National Debt was to be reduced, although they might differ as to the mode in which that object was to be accomplished. He agreed

with the hon. Member for Wick (Mr. Laing) that it would have been good policy to have retained the income-tax at 3*d.* in the pound; but he would entirely do away with Schedule D, and compensate the Revenue for the loss by an addition to the property tax. There was a special grievance under the operation of the income tax in the case of hardworking men whose income was brought, by dint of extra earnings and over work, just a little over £100, and who thereby came outside the line of exemption. He entirely objected against any portion of the Imperial Revenue being applied in aid of local taxation.

MR. NEVILLE-GRENVILLE said, he was sorry to find there had been a petty and a Party attempt made to trip up the Chancellor of the Exchequer in many of the subjects he had brought before the attention of the House. He could not help feeling amused when he heard the right hon. Gentleman opposite (Mr. Lowe), the concoctor of the Bryant and May Budget say that now there was a deficit because they had got a Conservative Chancellor of the Exchequer; but he would remind the right hon. Gentleman that the Whigs never had a surplus from 1832 until they succeeded in stealing from the Conservatives the services of the right hon. Gentleman the Member for Greenwich.

MR. GLADSTONE reminded the Chancellor of the Exchequer that he had not stated what amount he was likely to require for the purpose of loans, and how much was represented for that purpose by the £70,000? He would also ask his hon. Friend the Member for Hackney (Mr. Holms) to state what course he proposed to take with his Resolution with regard to Brewers' Licences?

MR. J. HOLMS said, it would be impossible at that late hour—past 12 o'clock—to go on with his Motion, and therefore he would propose that the Chairman now report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Holms.)

THE CHANCELLOR OF THE EXCHEQUER said, he could not expect the hon. Gentleman to proceed with his Resolution at that hour if he did not desire to do so. He would therefore suggest that

the hon. Gentleman should bring forward his Motion, either on the Report of that Resolution or in Committee on the Bill. It was undesirable that the Government should lose a stage in their proceedings, as their measures had already been somewhat kept back, and they were now approaching the Whitsuntide holidays. Sometime had elapsed since the close of the financial year and the legal expiration of the income tax. The income tax Resolution had, indeed, been reported to the House, and the Board of Inland Revenue collected the tax under it; but it was not convenient that it should continue to be collected for an indefinite time without the sanction of an Act of Parliament. As to the Question put by the right hon. Gentleman opposite, he was not at present in a position to say how much they were likely to raise this year for local loans, because it depended on the amount of the demands made by the Bodies which had the right to borrow, and especially on the amount that might be required under the Education Act for school-houses. But he expected it would not be more than £2,000,000, and therefore he took about £70,000, the sum which would probably cover the interest on that amount.

MR. GLADSTONE suggested to the hon. Member for Hackney that his Resolution should be postponed until after the Whitsuntide holidays, in order that the preliminary stages of the financial measure might be advanced.

THE MARQUESS OF HARTINGTON said, that the distinct understanding was, that his hon. Friend the Member for Hackney should not be prejudiced by the passing of the Resolution that evening.

THE CHANCELLOR OF THE EXCHEQUER said, that was the distinct understanding, and in order to comply with it he would suggest that the best time to bring forward the Motion would be on the Motion to go into Committee on the Customs and Inland Revenue Bill.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

## 2. Stamp Duty on Appointments.

*Resolved*, That in lieu of the Stamp Duty now payable on any admission, and on any appointment or grant by any writing, to or of any office or employment, and on any Commission or Deputation granted by the Commissioners of

*The Chancellor of the Exchequer*

Inland Revenue or the Commissioners of Customs, there shall be charged and paid Stamp Duty as follows (that is to say):

	£	s.	d.
Where the annual salary, fees, or emoluments appertaining to the office or employment, or payable by virtue of the Commission or Deputation do not exceed one hundred pounds, the Duty of . . . . .	0	5	0
And where such annual salary, fees, or emoluments exceed one hundred pounds—			
For every one hundred pounds, and also for any fractional part of one hundred pounds of such annual salary, fees, or emoluments, the Duty of . . . . .	0	5	0

## *Medicine Vendors Licence Duty.*

Motion made, and Question proposed,

“That, in lieu of the Duties of Excise now payable by Law upon or in respect of the Licences to be taken out yearly in any part of Great Britain by the Owners, Proprietors, Makers, and Compounders of, and Persons uttering, vending, or exposing to sale, or keeping ready for sale any Medicine liable to Stamp Duty, there shall be paid for each such Licence, the Duty of . . . . . 0 5 0”

Motion, by leave, *withdrawn*.

## 3. Inland Revenue.

*Resolved*, That it is expedient to amend the Laws relating to the Inland Revenue.

MR. J. W. BARCLAY, in rising to move a Resolution on the subject of Gun Licences, said, that, when last Session he submitted a Motion for the total abolition of the Gun Tax, the Chancellor of the Exchequer said that he was not aware there was any feeling in the country in favour of its abolition. He had had many deputations craving abolition of various taxes, but none on the Gun Tax. This Session, however, a deputation of Scotch Members, sufficient to show a strong feeling in Scotland on the subject—and he believed the feeling was as strong in England—waited on the Chancellor of the Exchequer, and explained their views regarding the taxes on guns and dogs. It was accordingly expected that the just interests of the farmers would be considered in the right hon. Gentleman's Budget, both as regarded dogs and guns. As, however, the



right hon. Gentleman had failed to make any concession, he (Mr. Barclay) felt it his duty to take the sense of the House on the exemption from duty of guns exclusively used for protecting crops by farmers, market-gardeners, or nurserymen. No one would deny the justice of the Motion he had to submit—namely—

“That it is expedient that guns used by farmers or persons employed by them exclusively for the protection of their crops, be exempted from Licence Duty.”

But it was contended that exemptions were inconvenient and very detrimental to the productiveness of a tax. Had the tax been imposed for fiscal purposes, he would admit the force of the objection; but the right hon. Gentleman the Member for the University of London (Mr. Lowe)—at whose instance the tax was imposed, at a time when there was a large surplus Budget—described it as a tax to restrain lawless habits. The right hon. Gentleman expatiated on the enormity of boys shooting birds, because that led up to poaching, and poaching to crime and Botany Bay; but, whatever might be thought of that kind of argument, the protection of crops by farmers or farmers' servants, could not be described as lawless habits, and was no argument in favour of charging them for gun licences. It would be quite competent, after the proposed exemption was made, for the Excise to prosecute persons of lawless habits using guns without a licence. If they took a licence, the object of the Bill would be defeated which exposed its absurdity. At present, the tax was chiefly paid by farmers for their servants. If the House refused the exemption, it showed that landlords had no confidence in farmers or their servants, and that the Gun Tax was, as it had often been alleged to be, a game law. The hon. Member concluded by moving the Resolution.

#### *Gun Licences.*

Motion made, and Question proposed,

“That it is expedient that guns used by farmers or persons employed by them exclusively for the protection of crops be exempted from Licence Duty.”—(*Mr. James Barclay.*)

THE CHANCELLOR OF THE EXCHEQUER said, this was a matter on which there was no substantial grievance. It was scarcely to be supposed that any farmer did not take out a gun licence; and the regulations of the Board of

Inland Revenue were such as to permit the gun which belonged to the master to be used by any person in his employ on his land for the purpose of scaring birds.

Question put.

The Committee *divided*:—Ayes 44; Noes 173: Majority 129.

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

#### NATIONAL DEBT (SCHEME FOR REDUCTION).

Returns ordered, “showing the action of a scheme for the reduction of the National Debt by the annual conversion of Permanent Annuities into a 10 years' annuity of £500,000; the rate of interest being assumed at 3 per cent. and the purchase of 3 per cent. Funded Debt at par:”

“And, showing the increased annual charge, and consequent reduction of Debt, resulting from the operation of the scheme.”—(*Mr. Hubbard.*)

House adjourned at a quarter before One o'clock, till *Monday* next.

## HOUSE OF LORDS,

*Monday, 10th May, 1875.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Parliament of Canada \* (96); Landed Estates Act (Ireland) Amendment \* (97). *Second Reading*—Sea Fisheries \* (86). *Committee—Report*—Public Health (Scotland) Provisional Order Confirmation (No. 2) \* (55). *Report*—Agricultural Holdings (England) (63-98); Explosive Substances \* (95). *Third Reading*—Pier and Harbour Orders Confirmation \* (64); Bank Holidays Act (1871) Extension and Amendment \* (76); Saint Paul's Cathedral (Minor Canonries) \* (60); Pacific Islanders Protection \* (88); International Copyright \* (73), and *passed*. *Withdrawn*—Teinds (Scotland) (67).

#### PRIVATE BILLS.

*Moved*, That Standing Order No. 179. sects. 1. and 4. be suspended, and that the time for depositing petitions praying to be heard against Private Bills, which would otherwise expire during the adjournment of the House at Whitsuntide, be extended to the first day on which the House shall sit after the recess: *Agreed to.*

TEINDS (SCOTLAND) BILL. (No. 67.)  
(*The Earl of Minto.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF MINTO, in moving that the Bill be now read the second time, said, that a measure of this kind was very much wanted in Scotland where much excitement existed as to the mode in which the augmentations of teinds were made; and the object of the present Bill was to simplify and render intelligible the system of teinds in the computation of the value of the stipends. Now, that might seem a very easy matter; but in fact the whole system of calculation was based upon an obsolete and dead language, and the result was that the whole procedure was involved in complexity and obscurity. The object of the Bill therefore was that the teinds which were granted in future should be granted in money instead of being calculated in kind; and it enacted that from and after the passing of the Act teinds and all claims exigible therefrom, or connected therewith, including stipends to the clergy of the Church of Scotland, so far as they have been valued in grain, should be converted into money on an average of the fiars prices for the seven years immediately preceding 1875, and that all future augmentations of stipends should be paid in money. The question of teinds was first settled in Scotland in 1833, when it was arranged that they should be paid in kind, and calculated upon one-tenth of what the land would produce; but however suitable that system might be at the time it was introduced, it was by no means suitable to the present time, and in 1808 an Act was passed legalizing the system now in existence. The Bill proposed to settle the calculations upon a fixed basis—namely, the average receipts of the seven years preceding the year 1875.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Earl of Minto.*)

THE LORD CHANCELLOR hoped that the noble Earl would not persevere with his Motion, because, if he did, he must offer to their Lordships a little more explanation than his noble Friend had given, and he thought that, after the explanation, their Lordships would

not be disposed to assent to the second reading. He must, in the first place, remind their Lordships that his noble Friend the Lord President had stated a few nights since to their Lordships, that the subject was under consideration, and that he hoped in the next Session the Government might be able to propose some measure which would be connected with the procedure in cases of that description. There could be no doubt that, as the noble Earl had stated, the present mode of procedure in calculating ministers' stipends was involved in complexity and expense; but the noble Earl's Bill had not the slightest reference either to the expenses or to the complexities of that procedure. It was a Bill not connected with procedure at all, but a Bill connected entirely with the mode of averaging; and which affected property in a way which measures which were introduced in their Lordships' House were not in the habit of doing. In the year 1808 the Act of Parliament was passed which created a sort of code under which stipends should be augmented. Up to that time they had been dealt with exactly as the noble Earl wished them to be dealt with—namely, by a payment of money out of the teinds where there were any. But the Act of 1808 followed the principle on which they were dealt with by the great Lord Burleigh in the reign of Queen Elizabeth—namely, that the augmentation of stipends should depend, not upon any money payment, but upon the value of grain, in order that ministers might have the benefit of any increase in the price of that article, so as to increase their income. It was remarkable that after that Act had passed, and when prices were very high, the ministers came forward and applied to Parliament to do what the noble Earl was now doing—namely, to fix for the future the augmentation of stipend on an average of the prices for seven years previous—they wanted to have the benefit of prices when they were high. But the measure which was then asked for was very properly refused by Parliament. Now, it was a little remarkable that this Bill should be introduced at a time when prices were very low, and, therefore, would operate to prevent any increase in the value of stipends arising from an increase in the price of grain—to the great benefit of proprietors. He wished,

however, to show their Lordships how this measure would work. They were not aware that teinds in Scotland were a different kind of property from tithes in England. They were held sometimes by owners of land and sometimes by what were called "titulars" of the ground; the minister was never entitled, as in England, to the actual tithe, but only to a stipend arising out of the tithe; and if that stipend became insufficient from any reason, then they had a right to have it augmented and modified if the tithe were unexhausted. Now, their Lordships would observe in what position the minister was. He was a stipendiary and an incumbrance on the teind, and entitled to payment of an annual sum out of the teind. The payment by the price of grain was not a payment of so much money; but a payment in money which was fixed on an equivalent for the quantity of grain and victuals which he was entitled to demand. That being the present position of the minister, he thought it would be most unjust that they should take advantage of the price of grain being low at the present time, to calculate the amount the minister was entitled to receive on an average of seven years. It might be that the measure would operate very disadvantageously to the minister, and, at all events, he had a right to be heard upon it. What right had the noble Earl to say to the ministers that the amount of their stipend should only be calculated on a certain quantity of grain or victual for an average of seven years, and to that amount they should be fixed for all time? Was ever such a measure proposed to Parliament? Yet that was what the Bill did. Supposing that in the time of Charles II., the ministers' stipends had been fixed at the then price of money, and had never since been changed, what would the value be now as compared with the value of money, and where would the ministers be and what would be their salaries at the present day? It could not be right, without giving notice to the country at large and without giving those who were most interested notice of the change which was to be made, to pass a Bill affecting the stipends of the ministers. On these grounds he did not think their Lordships would assent to the measure.

THE EARL OF MINTO said, that that was the first time he had heard any ob-

jection raised to the Bill, and he thought it would have been well if the noble and learned Lord had raised some of the objections when he first brought forward the subject; because he certainly had not understood, from the reply he had received from the noble Duke, that the subject was under the consideration of the Government. He was gratified by the trouble the noble and learned Lord had evidently taken in reference to the application of the seven years average. As the second reading was opposed by the Government, he would prefer to withdraw the Bill.

THE DUKE OF ARGYLL said, that this question of augmentation of stipends was first mentioned a fortnight ago, and the Lord President said that he was about to consult the Lord Advocate on the subject, and he was glad to hear that the Government proposed to deal with it. The Bill, however, of his noble Friend referred to a totally different matter. It removed none of the evils connected with the present system of augmentation, but preserved all the personal interests. He agreed with the noble and learned Lord on the Woolsack that this was a Bill which would hardly be received by their Lordships.

Motion and Bill (by leave of the House) *withdrawn*.

#### ACCIDENTS ON RAILWAYS, 1874.

##### RETURN. QUESTION.

LORD COTTESLOE rose to call attention to the delay which took place in the preparation of the Returns of Railway Accidents required by the 34 & 35 Vict. c. 78. He did not intend, on the present occasion, to discuss the question of railway accidents. In regard of the prevention of such accidents he believed Railway Companies would be more influenced by publicity and public opinion than by any Acts of Parliament. Various enactments had been passed with the view of enforcing on Railway Companies their obligations towards the public. By the 34 & 35 Vict. certain Returns of accidents were required to be made by the Companies; but there had been great delay in the presentation of these Returns. His purpose in now drawing attention to this state of things was to induce the Government to enforce on the

Companies the due performance of their statutory obligations.

THE EARL OF DUNMORE said, that the Question which had been put to him by the noble Lord opposite (Lord Cottesloe) had already been answered, inasmuch as the Returns to which he had made reference had been already presented to Parliament, together with similar Returns for the first three months of the present year. But he must point out the annual Return of railway accidents had been laid before Parliament this year at a much earlier date than in any previous year since the Regulation of Railways Act of 1871 came into operation; and by the arrangement which had recently been made for laying these Returns before Parliament every three months, all information, with the most minute details regarding railway accidents and the causes that led to them, would be in possession of Parliament and the public within a very short time after the expiration of each succeeding quarter. With regard to the Returns for the first three months of the present year, there had been more delay than would occur in future, owing to the form of the new Returns differing materially from those printed before, which had necessitated the setting up of new type. But now that the new form had been set up the printers stated that they would be able to print off the Returns in a very few days. It might be well for him to state to the House that the greater portion of the general Report upon railway accidents which was prepared every year by Captain Tyler was already in the printer's hands, and he thought that, in all probability, he would be in a position to lay that Report upon the Table of their Lordship's House within a month from the present date. The noble Lord opposite (Lord Cottesloe) had called attention to the great delay which occurred; but it must be borne in mind that the information obtained from the Railway Companies with regard to accidents since the passing of the Regulation of Railways Act, 1871, had very largely increased. The Return of railway accidents for the year 1870 consisted of only 24 pages, and was not presented till the 6th of March 1871, whereas the Return of 1874 consisted of 287 pages, and had been presented to Parliament on the 5th instant. In the preparation of this Return the very greatest accuracy

*Lord Cottesloe*

was required, and owing to the enormous mass of manuscript forms which the Board of Trade received, the work was exceedingly heavy. This Return for 1874 was not only larger in bulk than the one for 1870, but several analytical Tables had been added to it demanding much care and time for their preparation. This greatly enhanced the value of the Return. The Return of 1870 was simply a bare record of facts, with only two summaries attached to it; whereas the present Return gave as fully as possible the causes of all train accidents and all details relative to axles, tyres, rails, and rolling-stock generally. In the Return for 1870 there were only 115 servants returned as having been killed, and 129 as having been injured, of whom no classification was made; whereas in 1874 there were 788 returned as killed and 2,815 as injured; and, as would be seen on reference to the Tables, these accidents were divided into 20 classes, which showed the nature of the occupation in which each person was engaged when he met with the accident. In the same way the accidents to trains and passengers were subjected to detailed analysis. In addition to all that, a considerable time was necessarily taken up by printing this Return. There was, he thought, no reason for stating that as a general rule the Railway Companies did not send in the information required by the Regulation Act without unnecessary delay, and this remark applied particularly to the large Companies. It would not be practicable for a large Company like the Great Northern, the Midland, or the London and North-Western, to send in the Return of an accident which happened at the furthest point of their system by the next day, as the Return of such an accident had to be forwarded by the officer of the Company on the spot where it happened to the head offices of the Company, wherever they might be situated, entered in the books at those offices, and then sent to the Board of Trade from the chief office. There was, he also thought, every disposition on the part of the Companies to cheerfully afford all the particulars and details that were required of them. By the arrangement proposed for publishing the Returns of these accidents quarterly instead of annually, and by strengthening in some way the department charged with the collection



of these statistics, he believed there would in future be no cause for any delay.

LORD HOUGHTON thanked the noble Earl (the Earl of Dunmore) for the testimony he had borne to the willingness of Railway Companies to make the Returns, and to do so without unnecessary delay. He believed the Railway Companies were desirous of complying in every particular with the requirements of the Act.

THE DUKE OF BUCKINGHAM thought that the Returns were considerably swollen by accidents which were not intended to come within the category contained in the 5th clause of the Act. The clause required that the Returns should be of accidents which occurred in or about the working of railways or in buildings connected with them, or attributable to any mischance in the course of working them, but the Returns included many accidents which could not in strictness be said to be connected with railways. For instance, the horses employed by the Railway Companies, like some horses otherwise employed, were disposed to be vicious and to kick those who groomed them. Surely kicks inflicted by horses in the stables of Railway Companies were not intended to come within the category of the 5th clause; but they were returned by some Companies. So were accidents which had occurred to boys while sliding down the handrails of railway bridges, and to stokers who had fallen down the ladders of stokeholes, and accidents which had been caused by railway waggons coming in contact with railway posts, though those waggons were not driven by servants of the Companies; accidents occurring to persons working in the workshops and warehouses of the Companies. Among the accidents returned as railway accidents was one caused to a lady by putting her foot through a hole in her dress while walking under a railway bridge. He thought the Board of Trade might interfere in the matter so as to limit the Returns to accidents within the purview of the Act.

LORD CARLINGFORD, as being the official author of the Act of 1871, well remembered the difficulty which had been experienced in defining the accidents which should come within Clause 5. The object was to include enough, and not to bring in too much.

He did not say the wording of the clause had been quite successful; but, on the other hand, he did not understand the noble Duke (the Duke of Buckingham) to propose that it should be changed. He concurred with the noble Duke in thinking that some of the accidents included in the Returns were not such as it had been intended to bring within the Act, and he thought the Board of Trade would exercise a wise discretion in omitting such cases from the public Returns. However, he deprecated any alteration in the wording of the Act.

THE EARL OF DUNMORE said, that the Board of Trade had already exercised its discretion in expunging ridiculous Returns, and the matter referred to by the noble Duke was at this moment receiving the attention of the Department.

#### AGRICULTURAL HOLDINGS (ENGLAND)

BILL.—(Nos. 39-63.)

(*The Lord President.*)

#### REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

THE MARQUESS OF BRISTOL proposed to insert in the title after "Agricultural," the words "and Pastoral."

THE DUKE OF RICHMOND thought this change would make the title unnecessarily long without producing any effect upon the enacting clauses.

Amendment (by leave of the House) *withdrawn*.

Clause 2 (Commencement of Act).

THE DUKE OF RICHMOND proposed to alter the date for the operation of the Act from the 31st December 1875 to the 14th of January, 1876.

Amendment moved to leave out after ("the") to the end of the clause, and insert ("fourteenth day of January one thousand eight hundred and seventy six.")—(*The Lord President.*)

VISCOUNT PORTMAN desired to give landlords and tenants, where the term commenced at Candlemas, a little longer time to consider whether they would come under the Act, and he proposed to substitute the 14th of February.

After short conversation, the LORD PRESIDENT's Amendment *withdrawn*.

Then Amendment of VISCOUNT PORTMAN *agreed to*.

Clause amended and *agreed to*.

Clause 4 (Interpretation Clause).

LORD PENZANCE moved to add to the Interpretation Clause the following definition:—

“‘The letting value’ means the value at which a holding could be or could have been let if the improvement had not been executed.”

LORD CARLINGFORD said, he would like the Government to consider what would be the effect of a stringent application of the words in this clause on a tenant's claim for compensation. A tenant might have improved by drainage or lime, and yet it might be very doubtful if he would be able to prove to the satisfaction of a Court of Justice that he had made the farm as a whole more valuable to the landlord in the matter of rent. The improvements effected might be very proper ones for his own occupation or that of the landlord; but to make it imperative on the tenant to prove that the letting value of the farm was increased would be imposing on him too heavy a burden. In the Irish Land Act which dealt with much larger matters than this Bill, the terms used were “any work which being executed added to the letting value of the holding,” and in reference to tillages and manures the words were, “or other works the benefit of which was unexhausted at the time of quitting the holding.” He believed that the latter was the true test in the case of minor improvements.

LORD HAMPTON thought the objection which had just been stated deserved serious consideration. He was bound to say he regretted that his noble Friend the President of the Council had persevered in making the “increased letting value” of the land in consequence of the tenant's improvements, the test or measure of compensation. Now, this had been described by his noble Friend himself as the very principle of the measure. With regard to permanent improvements of an important character, he quite admitted that the letting value was an unobjectionable test; but when they applied that test to those minor improvements to which it would be applied, he looked with alarm to the encouragement it would give to litigation of the most unsatisfactory kind. He was fortified in that statement by what he found to be the opinion of practical men out-of-doors. Last week at a meeting of the Central Chamber of Agriculture in London, this point was discussed, and resolutions were

passed condemning the proposal by a majority of four to one.

LORD EGERTON said, that it would be extremely difficult to know what would be the “letting value” of a farm at the end of 10 or 14 years. Everyone who had sat on Assessment Committees must know the difficulty of ascertaining the value of farms; and he feared the clause would lead to a great deal of litigation. He entered his protest against the principle of the Bill with reference to this point.

LORD DYNEVOR said, he quite agreed with the three noble Lords who had addressed the House as to the difficulties likely to arise from the present definition. He thought the words “letting value” would defeat the object the Government had in view. He thought there should be no compensation unless the whole holding was increased in value.

THE EARL OF AIRLIE must remind noble Lords that they were not now discussing the principle of the clause which had been decided in Committee—the question before the House was the Amendment, which was a question of definition only. The grievance of tenant-farmers was that while they laid out their capital in improvements on the land, at the end of their lease the farm was either let to another tenant at a higher rent, or the rent was raised on the former tenant, and the difference went into the pocket of the landlord.

THE EARL OF MORLEY opposed the Amendment. Clause 5 contemplated that the improvement should be so effectual as to add to the “letting value” of the land before he should be entitled to claim compensation. This was intelligible, and as a definition of the improvement there was some value in the words. But Clause 7, making the addition to the letting value the basis for estimating the compensation, threw the whole matter into confusion, and would be difficult in practice. Suppose the landlord let his land upon conditions that the tenant should make certain improvements—or in other words borrowed his tenant's capital for improving his own property—was it right that at the end of the term the tenant should lose the capital expended, if the improvements, however, efficiently done, did not add to the actual “letting

value" of the land? Or supposing the improvements were not efficiently done, was it right that the tenant should lose his whole outlay? Those remarks applied to the first class of improvements, for which the consent of the landlord was required. And that consent, to which any conditions might be attached, rendered the landlord a party to the transaction. But as to less durable improvements, when their Lordships considered all the different circumstances which might affect the letting value of a farm—competition among tenants, alterations in the neighbourhood, and various other things—they would see that it would be extremely difficult to say whether this or that particular improvement had added so much to the "letting value." Suppose, again, the particular improvements sanctioned by the landlord proved to be injudicious, and did not improve the value of the land, was it just that the whole loss should be borne by the tenant and none by the landlord? It would be much fairer to assess compensation according to the outlay than according to the unexhausted addition to the letting value.

THE DUKE OF RICHMOND said, he could not share in the views expressed by his noble Friends as to the possible operation of the Bill. As to what had fallen from his noble Friend (Lord Hampton), if he thought that the effect of this Bill would be to increase litigation, he should regret very much that he had any share in introducing it. But he could not think that that would be the effect of the Bill. The noble Earl who had last spoken (the Earl of Morley) thought the best way of dealing with this question would be by taking the outlay into consideration as the basis of compensation. But if compensation was to be assessed according to the outlay of the tenant, it would lead to an amount of litigation far in excess of what his noble Friend (Lord Hampton) anticipated. The noble Earl thought it would be very unfair that the tenant should not be recouped, if he did not execute the improvements in an efficient manner. But surely the tenant had no right to expect compensation unless the improvements were properly made. The first thing a landlord would have to do would be to see whether the improvements were real and efficient improvements, for, in fact, what the tenant had done

might be the reverse of an improvement. He must demur in the strongest way to the assumption of the noble Lord (Lord Carlingford) that there was no other source from which the Government could derive the definition of "letting value" than the Irish Land Act. It would not require a great amount of ingenuity to discover those terms without going over the water to get them. He was never enamoured of the Irish Land Act, and certainly would never have gone to that Act as the groundwork of this Bill. Nor would he wish to lead the country to think that what was good for Ireland was good for England. But if such improvements were effected as would make the farm better, what surer proof of that could there be than that the farm should command a higher price in the market? and what was that but adding to its letting value?

THE EARL OF KIMBERLEY thought there was great force in the objection to the words "letting value," which he believed would introduce an element of difficulty into the question: nor did he see why their Lordships should object to borrow words from the Irish Land Act. It should be remembered that in many cases the compensation to be received would be a very small sum; and that being so he could not conceive a more difficult task to impose on the arbitrator than to call upon him to say whether the improvement had added to the "letting value."

THE EARL OF HARROWBY said, if £100 had been laid out by a tenant—say, on bones—leaving two years of unexhausted improvement for which the landlord ought to pay, the tenant would find a difficulty in proving that the land would let for more rent in consequence of what he had done. Land was let for long periods, and might not let for more on account of improvements which would die out in two or three years.

THE EARL OF DERBY said the logical consequence of this argument was that a farm in bad order would let for as much as a farm in good order.

THE DUKE OF CLEVELAND did not believe that the principle of letting value was really applicable here.

THE DUKE OF ARGYLL said, that when they spoke of benefit resulting to the land from "unexhausted improvements" they could mean nothing but that the letting value of the land was thereby

increased. In other words, if a farm was in an exhausted condition, the rent would be less; if it were in an improved condition, the rent would be more.

Amendment *agreed to*, on the understanding that it should be printed in the Bill, with a view to further consideration at the next stage.

Clause, as amended, *agreed to*.

Clause 5 (Tenant's title to compensation).

THE DUKE OF ARGYLL said, that as the clause stood, the assertion of tenant-right was too broad and without sufficient limitation. On the last occasion when the Bill was under consideration the Government agreed to introduce the words "subject to the provisions of this Act;" but he thought these words did not sufficiently point out the limitations. In order that the public might see at once not only the equity of the claim for compensation, but also the equity of the general limitations, he would move the omission of Clause 5, in order to insert the following:—

"Where a tenant, except in pursuance of an agreement for valuable consideration, executes on his holding an improvement adding to the letting value thereof, he shall be entitled to obtain, on the determination of the tenancy, compensation in respect of the improvement."

THE LORD CHANCELLOR pointed out that subsequent clauses in the Bill provided all the limitations desired by the noble Duke.

Amendment (by leave of the House) *withdrawn*.

Clause 6 (Description and three Classes of Improvements).

On the Motion of the Duke of RICHMOND, the words "or of works for supply of water for agricultural or domestic purposes" were *inserted*.

THE EARL OF KIMBERLEY (for the Duke of WESTMINSTER) moved to insert in the First Class ("Eradication of Fences.")

LORD REDESDALE said, he did not think this was a case for compensation, especially as the tenant would have the old fences.

LORD HENNIKER thought the Amendment unnecessary, agreeing with his noble Friend at the Table, for he was constantly asked by his tenants to allow them to take down fences; they were only too ready to do so for the

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benefit it gave them, and the difficulty was rather to prevent their taking down fences which were necessary for the proper drainage of the farm. It would be extremely inconvenient, too, to have the putting up of new fences, and the eradication of fences in the same class of improvements.

THE EARL OF AIRLIE did not at all agree that the old fences would sufficiently compensate the farmer.

THE DUKE OF SOMERSET said, that what suited one part of the country would be unsuitable to another. In Devonshire the fences were wide banks, which could not be removed without considerable cost, and the work would be a permanent improvement.

THE DUKE OF RICHMOND could not assent to the proposal of his noble Friend.

After a few words from Earl GRANVILLE,

THE LORD CHANCELLOR said, one of the chief merits of this Bill was that, without the consent of the remainderman being asked or required, it allowed, it might be, a limited owner to exercise the powers which it gave and thereby to create a charge upon the inheritance. He had frequently maintained that that was a right principle. He believed this was the first time that that step—a very large step—was taken. But in giving to limited owners the power to consent to these improvements, and thereby to make a charge on the inheritance, it ought to be made very clear that the matters in respect of which limited owners were to give their consent were beyond dispute substantial improvements: and he doubted whether the "eradication of fences" could in general be classed among such improvements.

Amendment (by leave of the House) *withdrawn*.

LORD HENNIKER moved, in Third Class, to leave out from ("Consumption") to end of clause, and insert—

"1. Consumption on the farm by cattle, sheep, or pigs, of cake.

"2. Consumption on the farm of purchased corn or other feeding stuff not the product of the farm or district."

The noble Lord said, his object was to put cake and other feeding stuffs in an entirely different category. Cake was of undoubted manurial value, but corn



was not so. Linseed cake and corn, for instance, cost nearly the same price per ton; but linseed cake, and other kinds of cake, too, was of seven times greater manurial value than corn. Again, corn was a good thing for producing meat, and the farmer was amply repaid, by the sale of his fat stock, for the use of it, in most cases. It was of great importance that corn used should not be the product of the farm or neighbourhood, so that there should be no opening for fraud. Some foreign corn might be of manurial value, but corn grown on a farm, except beans, was practically of little, if of any value in that respect. This ought to be distinctly laid down in the clause.

After short discussion,

On Question, *resolved in the negative.*

Amendment made, by omitting the word "corn" from the articles of consumption not produced on the holding.

Clause, as amended, *agreed to.*

Clauses 7, 8, 9, 10, 11, 12, 13, and 14 *agreed to*, with verbal Amendments.

Clause 15 (Amount of landlord's compensation) *struck out.*

Clause 16 (Notice of intended claim).

THE DUKE OF RICHMOND moved the insertion of words enabling a landlord to give a counter notice to his tenant of his intention to claim compensation. This would only be necessary in case the tenant gave notice of a claim. Where no such notice was given, the landlord would have his remedy in the usual way through the Courts of Law.

*Moved*, at end of clause, insert as new paragraphs—

"Where a tenant gives such a notice the landlord may, before the determination of the tenancy, or within fourteen days thereafter, give a counter-notice in writing to the tenant of his intention to make a claim for compensation under this Act.

"Every such notice and counter-notice shall state, as far as reasonably may be, the particulars of the intended claim."—(*The Duke of Richmond.*)

Amendment *agreed to*; Words *added.*

THE EARL OF MORLEY said, that no consideration had as yet been given to a numerous class—namely, mortgagees, who, having lent money on the security of holdings, might be damaged by the arrangements which the Bill facilitated. He wished to know if the

charge on the holding allowed by the Bill would be a first charge, or whether it would rank after charges already existing?

THE LORD CHANCELLOR said, the noble Earl's sympathy with mortgagees was thrown away. They would not be in the slightest degree injured.

Clauses 17 to 33, inclusive, *agreed to*, with Amendments.

New clauses *inserted* after Clause 33.

Clause A. (Power for landlord to obtain charge for tenant in certain cases.)

Clause B. (Duration of charge.)

Clause C. (Application of Act to Crown Lands.)

Clause D. (Application of Act to land of Duchy of Cornwall.)

Clause E. (Application of Act to land of Duchy of Lancaster.)

Clause F. (Provision where landlord incumbent of benefice.)

Clauses 34, 35, and 36 *agreed to.*

Clause 37 (No restriction on contract).

Clause 38 (Application of Act as regards general tenancies).

THE MARQUESS OF HUNTLY moved to leave out the clauses, and insert the following:—

"Nothing in this Act shall prevent a landlord and tenant, or intending landlord and tenant, from entering into and carrying into effect by any contract in writing any such agreement as they think fit, nor interfere with the operation of any such contract.

"This Act in the case of all contracts of tenancy taking effect after the commencement of this Act shall have full operation in respect of all matters for which this Act makes provision, except such of the same matters as shall by a contract in writing between a landlord and tenant or intending landlord and tenant be specifically excepted from its operation.

"A contract of tenancy from year to year current at the commencement of this Act shall be deemed to be a contract of tenancy within the meaning of this section, but only from and after the end of the first year of tenancy begun and completed after the commencement of this Act.

"Except as in this section mentioned this Act shall not apply to any contract of tenancy current at the commencement of this Act."

THE DUKE OF RICHMOND said, the Amendment was unnecessary; Clause 37 simply said that the landlord and tenant might enter into an agreement, and Clause 38 said how they might do it.

THE DUKE OF ARGYLL said, it appeared to him that, as the Bill was drawn, a tenant would be precluded from

offering compensation unless he conformed in all respects to the provisions of the Bill, and if an owner made an agreement with a tenant involving slight differences, such departure from the provisions of the Bill would involve the forfeiture of all claims under it.

THE LORD CHANCELLOR said, there was nothing in the Bill which laid down a cut and dry agreement which a limited owner might make with a tenant; but it gave certain limits within which he might make any agreement he pleased with his tenants.

Amendment (by leave of the House) *withdrawn*.

Bill to be read 3<sup>a</sup> on *Thursday* next; and to be *printed*, as amended. (No. 98.)

#### PARLIAMENT OF CANADA BILL [H.L.]

A Bill to remove certain doubts with respect to the powers of the Parliament of Canada under section eighteen of the British North America Act, 1867—Was *presented* by The Earl of CARNAVON; read 1<sup>a</sup>. (No. 96.)

#### LANDED ESTATES ACT (IRELAND) AMENDMENT BILL [H.L.]

A Bill to amend the Act of the twenty-first and twenty-second years of Her present Majesty, chapter seventy-two, intituled, "An Act to facilitate the Sale and Transfer of Land in Ireland," and also "The Record of Title Act (Ireland), 1865,"—Was *presented* by The Lord O'HAGAN; read 1<sup>a</sup>. (No. 97.)

House adjourned at half past Eight o'clock, till To-morrow, half past Ten o'clock.

### HOUSE OF COMMONS,

*Monday, 10th May, 1875.*

MINUTES.]—NEW WRIT ISSUED—*For Brecknockshire, v. The Hon. Godfrey Charles Morgan, now Baron Tredegar, called up to the House of Peers.*

WAYS AND MEANS—*considered in Committee—Resolutions [May 7] reported.*

PUBLIC BILLS—*Ordered—First Reading—*Militia Laws Consolidation and Amendment \* [160]; Public Stores \* [159]; Endowed Schools Act (1868) Continuance \* [161].

*First Reading—*Customs and Inland Revenue \* [158]; Supreme Court of Judicature Act (1873) Amendment (No. 2) \* [162].

*Second Reading—*Land Titles and Transfer \* [105]; Savings Banks, &c. \* [146].

*Committee—Report—*Metalliferous Mines \* [120]. *Considered as amended—*Peace Preservation (Ireland) [154]; Offences against the Person [131].

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### NATIONAL FEDERATION OF COAL-MINERS.—QUESTION.

SIR EDWARD WATKIN asked Mr. Attorney General, If he has taken steps to ascertain the correctness of the reports given in "The Times" of the 29th April and 1st May, of two meetings held at Leeds on the 28th and 29th April, composed of delegates from coal miners of the United Kingdom, by which reports it appears that a "National Federation" (to be organized by a Committee of nine elected by such meeting of delegates) is to be established; and by which reports it further appears that some of the delegates present at the meetings proposed that, failing other measures bearing upon the question of wages, a simultaneous and general cessation of labour in all the collieries in the Kingdom should be brought about; and, assuming that any such simultaneous and general cessation be an object of the proposed federation, whether that federation would not become, under the existing law, an illegal combination, rendering its promoters liable to penal consequences?

THE ATTORNEY GENERAL: Sir, my hon. Friend was good enough to give me previous Notice of the Question which he a few days ago placed upon the Paper, and which he has just read, and at the same time to supply me with copies of the reports given in *The Times* of the two meetings held at Leeds on the 28th and 29th of April; and, for the purpose of replying to the Question of my hon. Friend, I shall assume that such reports are correct. It would appear from such reports, that the persons present at the meetings referred to, and who are described as delegates of the National Association and of the Amalgamated Society of Miners, as well as of some independent bodies of workmen, passed a resolution to the effect that the establishment of a national union or confederation was highly desirable, and that a committee of nine members of the conference was appointed to draw up a code of rules for the government of the federation. It also appears that in the course of the discussion which preceded the passing of the resolution, one of the delegates present suggested that, if things could not be otherwise righted, all the miners in Great Britain should give up working simultaneously for a

prescribed period, and that such views were supported by two others of the delegates present. When, however, this suggestion was made, the hon. Member for Stafford (Mr. Macdonald), who was in the Chair, observed that a general cessation of labour would be inflicting unmerited wrong on an innocent third party—namely, society at large. Those remarks appear from the reports to have been well received by the meeting, and the name of the hon. Member stands first upon the list of the committee who were appointed, whilst neither of the delegates who advocated cessation of labour was placed upon it. Having thus replied to the first part of the Question of my hon. Friend, I trust that the House will agree with me in the opinion, that it would not be consistent with my duty as a Law Officer of the Crown to make any definite reply to its second part, which, from the form in which it is expressed, evidently assumes that, in the opinion of my hon. Friend, the proposed federation may become an illegal combination, and inquiries of me whether its promoters would not become liable to penal consequences in a certain hypothetical event, the circumstances of which it is impossible to predicate, even if the probability of its happening could be reasonably assumed.

#### THE ESTABLISHED CHURCH—COLLEGES OF MINOR CANONS.

##### QUESTION.

MR. NEVILLE-GRENVILLE asked the Secretary of State for the Home Department, Whether he intends to bring in a Bill to regulate Colleges of Minor Canons, Lay Vicars, and similar subordinate Corporations in Cathedral Foundations; and, whether, where the numbers in such Corporations have fallen below the minimum prescribed by statute or charter, there is any power to compel Deans and Chapters to fill up the vacancies?

MR. ASSHETON CROSS, in reply, said, it was not the intention of the Government to bring in a Bill, at all events during the present Session, to effect the purpose mentioned in the Question of the hon. Member. In 1840 a Bill was brought in upon the subject, and in consequence of a particular clause having been struck out of it in "another place" it had rather complicated the difficulty.

He agreed, however, with his hon. Friend that it was desirable something should be done to remedy the existing state of things. With regard to the filling up of vacancies where the numbers in a particular corporation had fallen below the minimum prescribed by statute or charter, he was advised that a *mandamus* would lie to compel the Dean and Chapter to perform their duty with respect to the minor canons; but, as the issuing of a *mandamus* was a matter of discretion in regard to which the Court would take all the circumstances into account, he could not give any opinion as to the manner in which such discretion would be exercised.

MR. NEVILLE-GRENVILLE gave Notice that on an early day he would call attention to the subject of Cathedral establishments, and to the recommendations of the Royal Commission thereon.

#### THE LOCK-OUT IN SOUTH WALES.

##### QUESTION.

MR. MACDONALD asked Mr. Attorney General, If his attention has been directed to the recent lock-out in South Wales, which lasted for over twelve weeks; whether he is aware that such lock-out was organized, maintained, and carried on by a combination known as the South Wales Mine Owners' Association, or by some such name, which for the most part holds private meetings in Cardiff; whether this combination is an illegal combination; and, whether, in the event of his considering it an illegal combination, the Government will direct a prosecution or inflict the penal consequences which follow upon illegal combinations?

THE ATTORNEY GENERAL: In answer, Sir, to the first and second parts of the Question of the hon. Member for Stafford, I have to state that, to the extent of the information which I have derived from reading the public journals, my attention has been directed to the recent lock-out in South Wales; but I am not aware that such lock-out was organized, maintained, and carried on by a combination known as the South Wales Mine Owners' Association, or by some such name, which for the most part holds private meetings in Cardiff. Under these circumstances, it becomes unnecessary for me to answer the third and fourth parts of the same Question

of the hon. Member, as they are based upon an assumed state of facts, of the existence of which I am ignorant.

IRELAND—STIPENDIARY MAGISTRATES, BELFAST.

QUESTION.

MR. BIGGAR asked the Chief Secretary for Ireland, If he has been informed that the attorneys practising as advocates in Belfast have lately held a meeting, and forwarded a Memorial to the Lord Lieutenant describing the present stipendiary system in that town as intolerable, and praying for the immediate appointment of two barristers as stipendiary magistrates; and, whether he is aware that for upwards of forty years no barrister or attorney has acted as stipendiary magistrate in Belfast?

SIR MICHAEL HICKS-BEACH: Sir, I have no information that will enable me to reply to the first part of the hon. Member's Question. With regard to its second part, a Memorial has been forwarded to the Lord Lieutenant complaining of the way in which petty sessions business is transacted at Belfast, and asking for the appointment of a barrister as stipendiary magistrate. Inquiry is being made into the facts alleged in that Memorial; but I am bound to say I have heard no other complaints as to the manner in which business is done by the two stipendiary magistrates who act at Belfast.

THE MAGISTRACY—APPOINTMENT OF MAGISTRATES, EXETER.

QUESTION.

SIR EDWARD WATKIN asked the Secretary of State for the Home Department, Whether it is proposed to add to the number of magistrates for the city of Exeter; and, whether a list of ten gentlemen, all Conservatives, has been sent up to the Lord Chancellor for him to select from; and whether, of these ten, one is a wine merchant and three others practising solicitors?

MR. ASSHETON CROSS: Sir, in reply to the Question of the hon. Member, I beg to say that I know nothing as to any proposal to add to the number of magistrates for the City of Exeter. My noble and learned Friend the Lord Chancellor desires me to say that he has

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not received any application for the appointment of additional magistrates for the City, and I am therefore entirely ignorant whether one aspirant to the office is a wine merchant and three others are practising solicitors.

PUBLIC PROSECUTORS—LEGISLATION.  
QUESTION.

MR. DUNDAS asked the Secretary of State for the Home Department, Whether he can inform the House whether it is the intention of the Government to introduce any Bill this Session for the appointment of Public Prosecutors in England?

MR. ASSHETON CROSS: Perhaps, Sir, the hon. Member for Kendal (Mr. Whitwell), who has given Notice of a similar Question, will allow me to answer it at the same time. I have to say, in answer to both Questions, that it is the intention of the Government, before the end of the Session, to move for leave to bring in a Bill for the appointment of a Public Prosecutor.

SOUTH AFRICA—DELAGOA BAY.  
QUESTION.

MR. ALEXANDER M'ARTHUR asked the Under Secretary of State for Foreign Affairs, Whether there is any truth in the statement, made on Portuguese authority, to the effect that the President of the French Republic has decided against the claim of Great Britain to the southern part of Delagoa Bay—whether the ownership of Inyack Island has been kept distinct from the question of sovereignty on the mainland; and, when the Papers on this subject will be laid upon the Table?

MR. BOURKE, in reply, said, that the whole question of the claim of Great Britain to the southern part of Delagoa Bay had been referred to the President of the French Republic for arbitration. The question of the ownership of Inyack Island had been included in that arbitration. It would probably be a month or six weeks before the President of the French Republic delivered his award; but whenever the Government received it, no time would be lost in communicating it to the House.



## COPYRIGHT ACTS—LEGISLATION.

## QUESTION.

MR. EDWARD JENKINS asked the First Lord of the Treasury, Whether, in view of the fact that an Act passed by the Canadian Legislature to amend the Law of Copyright has been reserved for Her Majesty's consideration, the Government will consent to the immediate appointment of a Select Committee or Royal Commission to inquire into the subject of Copyright and Copyright Legislation?

MR. DISRAELI: Sir, I received this morning a deputation, of which the hon. Member for Dundee himself was a Member, on the subject of the Copyright Acts, and I stated then that the representations made to me were of a grave character and deserving the consideration of the Government, and that after considering them I should give my decision. The time, however, has hardly been long enough since I received that deputation this morning for me to give that decision.

## STRAY DOGS—SHEEP WORRYING.

## QUESTION.

MR. BAILLIE-HAMILTON asked the Lord Advocate, Whether his attention has been drawn to the annoyance caused to farmers in Scotland by the depredations of stray dogs in the neighbourhood of towns and large villages, and the serious loss frequently entailed by sheep-worrying and disturbance of stock; and, if so, whether he is prepared to take any steps to remedy this grievance?

THE LORD ADVOCATE in reply, said, his attention had been directed to the subject, and he had brought it under the consideration of his right hon. Friend the Secretary of State for the Home Department, who informed him that it was not a question peculiar to Scotland, but that the same thing occurred in England and Ireland. All he (the Lord Advocate) could say was, that the matter should receive the consideration of the Government.

## SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL.

## QUESTION.

MR. KAVANAGH asked the First Lord of the Treasury, Whether, having

regard to the deep interest felt in Ireland on the subject of closing public houses on Sunday, and to the circumstances under which the test of a Division was prevented on Wednesday last, he will afford an opportunity by fixing some day for the resumption of the Debate, of having the Question brought to a direct issue?

MR. DISRAELI: I am quite of opinion, Sir, with the hon. Member for Carlow as to the desirability of taking the opinion of the House on the Bill; but I am not at the present moment in a position to fix any day whatever upon which the opinion of the House may be taken. I would venture to suggest that hon. Gentlemen on both sides who take a deep interest in the question should confer together and endeavour to arrive at some satisfactory arrangement.

## INDIA—THE GAIKWAR OF BARODA.

## QUESTION.

MR. RICHARD asked the Under Secretary of State for India, Whether he will include in the Papers relating to the trial and deposition of the Gaikwar of Baroda any Correspondence relative to the seat or ceremonial question at the Court of Baroda, raised by the Government of Bombay in December 1872; also any Correspondence relative to the marriage of the Gaikwar in May 1874, and to the issue of such marriage; and, whether Her Majesty's Government will consent to postpone its decision on the question of the succession to the Prince until the Papers respecting his deposition have been laid before Parliament?

LORD GEORGE HAMILTON: Sir, the Papers which we propose to present to Parliament relating to the proceeding of the Commission appointed to inquire into certain charges made against the Gaikwar and to his deposition are very voluminous, and I do not think any practical object would be attained by increasing their bulk by including correspondence upon so irrelevant a matter as a question of precedence raised in 1872. Papers relating to the Gaikwar's marriage will be laid before Parliament. The decision of Her Majesty's Government upon the question of the succession to the Prince was embodied in the Viceroy's Proclamation of the 22nd of April. It is not the intention of Her Majesty's

Government to postpone or alter that decision.

PARLIAMENT—THE WHITSUNTIDE  
RECESS—QUESTION.

MR. STACPOOLE asked the First Lord of the Treasury, with reference to his announcement respecting the probable commencement and duration of the Whitsuntide Recess, Whether he will have any objection to move the adjournment of the House from Friday the 14th until Friday the 21st, instead of moving from Thursday the 13th until Thursday the 20th, so as to enable the Royal Residence (Ireland) question, which stands first among the Notices of Motion for Friday the 14th instant, to be debated on that day, and a division taken thereon?

MR. DISRAELI: Sir, I do not at this moment feel quite sure that it will be my pleasing duty to make a Motion in favour of any holidays; but if we conclude the Peace Preservation Act before Whitsuntide, I think it will be advisable—if we have any holidays at all—that we should adhere to the plan I have already suggested. I shall be happy to discuss it if necessary; but it is a plan similar to that followed by the House until within the last few years, when the holidays have been longer. There is nothing in the condition of Public Business to justify me in the expectation that we can increase the term of relaxation originally contemplated, and even that I have not definitely fixed upon. I take the opportunity of saying that I shall ask the House for a Morning Sitting to-morrow under any circumstances.

MR. STACPOOLE begged to give Notice that he would bring on his Motion relative to a Royal Residence in Ireland on as early a day as possible after Whitsuntide.

ARMY—MILITIA ADJUTANTS.  
QUESTION.

COLONEL ALEXANDER asked the Secretary of State for War, Whether Adjutants of Militia Regiments who decline to avail themselves of the new retirement scheme will be required, as the alternative, to perform the duties of Adjutants to Brigade Depôts at the headquarters of the sub-district?

MR. GATHORNE HARDY, in reply, said, such would be the case.

*Lord George Hamilton*

CUSTOMS (IRELAND)—OUT-DOOR  
OFFICERS.—QUESTION.

MR. O'SHAUGHNESSY asked the Secretary to the Treasury, Whether a Petition from the out-door officers of Customs at Dublin and certain other Irish outports, praying that they might be placed on an equality with the out-door officers of Customs in London, and forwarded during the last Session of Parliament, has been received at the Treasury; and, what answer, if any, has been returned to such Petition; and if it remains unanswered, what course the Lords of the Treasury intend adopting with reference to its prayer?

MR. W. H. SMITH: Sir, Petitions were received last year from the out-door officers of Customs at Dublin and certain other out-ports in Ireland, on the subject referred to by the hon. Member. A similar claim has also been frequently advanced on behalf of the various out-ports of the United Kingdom; but the Treasury has uniformly declined to admit it, on the ground that the greater pressure and importance of their duties entitled the officers of Customs in London and Liverpool to a higher rate of pay than officers at out-ports. To this principle the Government continues to adhere, and the Memorialists would have been so informed had it not been that a Commission was appointed to consider the position of the Civil Servants generally, and it therefore seemed unnecessary to take further notice of a claim so often before considered and rejected.

NAVY—NAVY MEDICAL SERVICE—  
SURGEONS.—QUESTION.

MR. O'LEARY asked the First Lord of the Admiralty, What is the number of surgeons who have tendered their resignation during the last five years; whether the cause assigned for a large number of such resignations at the time of application has not been dissatisfaction at the treatment of medical officers in the Navy; whether he can state the number of cases in which such resignations have been refused; and, whether it is true that the majority of surgeons appointed within the past five years to the Naval Medical Service have been mainly those rejected by the Medical Examining Boards of the Army and Indian Medical Service?

MR. HUNT, in reply, said, that the number of naval surgeons who had tendered their resignation during the last five years was 25; but that the cause assigned for resignation had not in any case been dissatisfaction at the treatment which the medical officers of the Navy had experienced. Six tenders of resignation had been refused temporarily, but ultimately accepted. It was not true that the majority of surgeons appointed within the last five years to the naval medical service had been those rejected by the examining boards of the Army and Indian Medical Service. No person, so rejected, had been received into the Naval service. The hon. Member was probably not aware that there had been a recent Order in Council improving the condition of medical officers in the Navy.

#### NATIONAL GALLERY—PURCHASE OF PICTURE BY SOLARIO.—QUESTION.

LORD ELCHO said, he desired to ask the Prime Minister a Question, of which he had given private Notice, relative to a fine early Italian portrait by Solario, which during the winter was for sale at Milan. A foreign Government had, he believed, made an offer for it of £1,500 or £1,600, and it was said that our own Government were in treaty for it. He wished to know, Whether there was any prospect of this fine picture being acquired for the National Collection?

MR. DISRAELI: Sir, I am glad to inform my noble Friend that the portrait now belongs to the British nation.

#### PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.—QUESTION.

MR. WHALLEY complained that Ways and Means had been brought on instead of Supply on Friday night.

MR. W. H. SMITH explained that the Standing Orders provided for either Order being taken first, and he had taken that which was in accordance with the generally expressed wish of the House.

THE MARQUESS OF HARTINGTON: Sir, as I understand the right hon. Gentleman, the Peace Preservation Bill is to be proceeded with to-night, that in any case there will be a Morning Sitting to-morrow, and that on Thursday the third reading of the Peace Preservation Bill will be taken, I rise to ask the right hon.

Gentleman, What other business will be taken on Thursday next?

MR. DISRAELI: Sir, the Land Titles and Transfer Bill. With regard to the Peace Preservation Bill, my wish is to take the Report this evening and read the Bill a third time to-morrow morning. That would very much facilitate Public Business, and then we could make arrangements generally satisfactory to the House; but until that Bill is passed it will be impossible to make any definite statement.

#### PEACE PRESERVATION (IRELAND)

BILL—[BILL 154.]

(Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.)

#### CONSIDERATION.

Bill, as amended, *considered*.

MR. BUTT, in moving the insertion of the following new clause:—

"Whereas by the eighth section of 'The Protection of Life and Property in certain parts of Ireland Act, 1871,' it is amongst other things enacted and provided that no writ of habeas corpus shall issue to bring up the body of any person arrested, or committed, or detained as in such section mentioned, and it is expedient that any restriction imposed by such provision shall not be continued: Be it enacted, That from and after the passing of this Act the said section shall be read and construed as if the heretofore recited provision relative to the issue of a writ of habeas corpus had not been continued or inserted therein,"

said, he hoped the House would give him its attention for a brief period while he brought the point clearly before it. He confessed, on the general issue, he was unwilling to raise the questions which were fully discussed in Committee; but the present necessity of bringing the subject forward arose from the form in which the Bill was drawn. The form in which the Bill was presented gave no information of the enactments which really were proposed, and a great many questions were brought forward which were in the nature of a surprise. The clause which he now proposed to insert was to the effect that the restrictions placed upon the issue of a Writ of Habeas Corpus by the Act of 1871 should be removed and the law in this respect restored to the state in which it was before the passing of the Westmeath Act. From the days of William III. Habeas Corpus was never interfered with until, by some extraordinary accident, it was interfered with in that Act. In 1803

there was rebellion in Ireland, but no such restriction as he now wished to get rid of was then put on the issue of Writs of Habeas Corpus, even although the country was placed partially under martial law. The clause in question had been inserted in the Westmeath Act without sufficient ground or explanation, and while its removal could do no harm, its continuance might do a great deal of mischief. He asked the Committee to expunge that extraordinary provision on these two grounds—first, because it was a very dangerous principle, and, as he had said, it was the first time in the history of legislation when they had interfered with the Writ of Habeas Corpus in this particular manner; and, secondly, because nothing would be more calculated to irritate the Irish people than to pass a law which disregarded the maxims hitherto held sacred in all coercive laws. They had heard of a message of peace to Ireland, but the real message of peace came from that side of the House, from the 170 English and Scotch Members, when they stood by Ireland in this struggle. That support would have more effect in Ireland in reconciling them to the authority of law than all the coercive Acts that had ever been passed. But if they retained this provision unnecessarily they were adding nothing to the efficiency of the law. The hon. and learned Member concluded by moving his Amendment.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, he could assure his hon. and learned Friend the Member for Limerick that he was as anxious, at the end of their struggles over the Bill, to deal with him as frankly and fairly and as much in a spirit of conciliation as he had professed to be at the commencement of their discussions. His hon. and learned Friend had now moved his Amendment in a somewhat different form from that in which he had proposed it in Committee. He (the Solicitor General for Ireland) had resisted the Amendment in its original shape, partly because he thought it would make a greater change in the Act than at first sight was apparent. That objection had now been removed. He had also resisted the Amendment because the provision to which it related was a matter of small importance compared with the other portions of the Bill which the House had sanctioned, and he be-

lieved its presence in the Bill would be useful, without involving the serious consequences which his hon. and learned Friend apprehended. All the previous Acts passed to suspend the operation of the Writ of Habeas Corpus were directed against treasonable conspiracies, and dealt with crimes which were well known and well defined at Common Law and by statute; whereas the Act of 1871 was directed against the Ribbon Conspiracy, a crime not known to the older law; and therefore it was thought necessary to prevent advantage being taken of technical inaccuracies in carrying out their novel enactments. The effect of issuing a Writ of Habeas Corpus in the case of a person confined under the Act of 1871 could only be to bring up the prisoner in person before the Court, when the warrant for his arrest purporting to have been issued under the Act and bearing the signature of the Lord Lieutenant would be produced, and that warrant would be taken as absolutely conclusive. The provision which his hon. and learned Friend now proposed to strike out was inserted, he had no doubt, after mature consideration in 1871 by the late Government and was retained in 1873. Since the last occasion, however, on which the question had been raised in the House, when his hon. and learned Friend had insisted with so much zeal and eloquence on the omission of these words, he (the Solicitor General for Ireland) had had an opportunity of consulting with the Lord Chancellor of Ireland and the English Law Officers of the Crown, and had also had the advantage of conferring with the noble Lord opposite (the Marquess of Hartington); and now, under all the circumstances of the case, though he still adhered to his own opinion that it would be better for the sake of the absolute completeness of the Act that the words in question should be retained in it, yet he was willing to assent to their omission. He hoped his hon. and learned Friend would accept the modification in the spirit in which it was made, and as an evidence that, within the limits of safe concession, the Government were prepared, as far as possible, to meet the views of hon. Gentlemen opposite. But even had those words remained, he could assure his hon. and learned Friend that every possible care would have been taken, as



it had been taken hitherto, that those confined under the Act should be subjected to no unnecessary inconvenience. In every possible way, at every stage and step, the proceedings under the Act of 1871 were so surrounded by safeguards as to prevent any possible abuse of the exceptional powers which were given to the Lord Lieutenant.

THE MARQUESS OF HARTINGTON said, that although the point was one of an extremely legal character, he wished to make a few remarks upon it, as he was a Member of the Government which was originally responsible for the introduction of the words in question. Those words were not in the Bill of 1871 when it was first drafted, but they were afterwards adopted by the House, it being the opinion of Baron Dowse, who was at the time Solicitor General for Ireland, that they would make the Act more complete. The point was again raised when the Act was renewed in 1873, and when he was without the assistance of an Irish Law Officer in the House, and was therefore unable to say whether the words were in a legal view necessary or not. He promised, however, to confer on the matter with his legal adviser out-of-doors, and apparently it was considered still desirable that the words should be retained, and they were retained without any discussion on the Report. Baron Dowse having since been referred to, it appeared that although he still thought the Act would be more complete with the words, he did not contend, and, indeed, had never contended, that they were absolutely required. One of the inconveniences which it was said might arise because of their omission was, that motions might be made in the Court of Queen's Bench for Writs of Habeas Corpus with no practical object but that of exciting the public mind, and that it might lead to great inconvenience if such questions were constantly raised. But, on the other hand, it seemed from what occurred in that House that still more serious inconvenience might be created by allegations that it was possible—for the thing had never happened—a prisoner might be treated with undue severity under the Act, and that he would have no means of having his case inquired into. Under those circumstances, when his right hon. Friend the Chief Secretary for Ireland had conferred with him on the subject,

a short time ago, he had no hesitation in expressing the opinion that he should be very glad to see the words in question omitted, and he congratulated the hon. and learned Gentleman the Solicitor General for Ireland on being able to dispense with them. He would only add the expression of a hope that the hon. and learned Gentleman the Member for Limerick would accept the concession in the spirit in which he was sure it was made by the Government, and would admit that in that as well as in other respects they had endeavoured to meet the wishes and just representations of the Irish Members, so far as lay in their power; and that in those provisions of the expiring laws which they had thought it necessary to retain, they had not retained anything which they did not consider absolutely necessary for the peace and security of the country.

New Clause (No restriction to be placed on issue of writs of habeas corpus,)—(*Mr. Butt*,)—*added*.

MR. O'SHAUGHNESSY moved the insertion of the following clause:—

“Provided always and be it enacted: That no person shall be detained in custody under or by virtue of any warrant of the Lord Lieutenant or Chief Secretary, issued under the authority of ‘The Protection of Life and Property in certain parts of Ireland Act, 1871,’ as continued by this Act for any period longer than twelve months from the date of such warrant.”

He contended that no danger whatever would be created by limiting this power of imprisonment, and that such limitation could not in any degree interfere with or diminish the force of the Act. It had been said that, although crime had decreased, it was still necessary to leave the power given by the Act to the Lord Lieutenant; but to argue in that way was to abandon all hopes of governing Ireland by Constitutional Law. If that was a proper time to make any relaxation in the law, surely the best relaxation that could be made would be the removal of the arbitrary power of arrest.

New Clause (No person shall be detained in custody for more than twelve months under the Act of 1871,)—(*Mr. O'Shaughnessy*,)—*brought up*, and read the first time.

SIR MICHAEL HICKS - BEACH hoped the House would re-affirm the decision which the Committee had arrived at, because he saw no reason why

less confidence should be reposed in the present Government than in the preceding one. Not long after the present Government came into office, the few persons who remained in custody under the Westmeath Act were discharged, and it had not been found necessary to imprison anyone since. He therefore might fairly appeal to the House to have confidence in the mode in which the Government would administer the Act. But he asked that as full powers might be entrusted to them as to their predecessors, because he had already shown that the power of detaining persons in prison for a longer period than 12 months had from time to time been found necessary in order to carry out these Acts with efficiency. A great deal that had been said as to the mode in which these prisoners might be dealt with was without foundation, because under the provisions of the statute it was necessary that the Lord Lieutenant should make a full investigation before any action was taken. As for the statements that prisoners had been unfairly treated, why, he asked, if such cases existed, had they not been brought under the notice of the House at the time of their occurrence, seeing that every month of the Session a list of the persons in custody under the Act had been presented to Parliament? If these statements had been well founded, the time to bring them forward was when the late Government were in office, who were responsible for their own acts, and could have defended themselves. He wished to impress upon the House that there were fresh safeguards against any improper use of the power conferred by the Act in the clause to which the House had assented. For the case of any prisoner might now not only be brought before the House upon the periodical Returns which were to be made, but might also be brought before one of the Law Courts in Dublin. There was no chance, therefore, of any prisoner being forgotten, and it was the anxious wish and intention of the Government that not a man should be detained in prison under these Acts for a single day longer than was necessary.

MR. MITCHELL HENRY said, that the question was not so much whether these complaints ought to have been made during the existence of the late

or present Administration, but whether they were well-founded or not. He was anxious to allude to the case of the prisoner Casey, as he saw in one of the newspapers on Saturday, that "Earl Spencer, the late Lord Lieutenant of Ireland, in another place, gave a flat contradiction to a statement made by Mr. Mitchell Henry in the House of Commons with reference to a man named Casey, arrested under the Westmeath Act." The noble Earl made a long statement regarding the treatment of that prisoner, and complained of the inaccuracies made in regard to him. Now there was not one single word of inaccuracy in the statement which he (Mr. Mitchell Henry) had made. Every statement was, indeed, borne out by the noble Earl's own admissions, and had been sustained by the statements made from the official benches on both-sides. Earl Spencer represented him (Mr. Mitchell Henry) as having asserted that the prisoner had been kept in solitary confinement for several years, like a sort of Monte Christo prisoner. Now, he made no such statement. What he said, was that the man had been kept in prison for several years, and that for the greater part of 24 hours he had been kept in solitary confinement. The noble Earl admitted that the man had been kept in solitary confinement for 18 hours out of the 24, and also that for several months there had been no one else in prison with him, so that for the latter part of the time he was kept without association with anybody, and was therefore the whole of the 24 hours kept in solitary confinement. This case was brought under the notice of the House last Session by his hon. and learned Friend (Mr. Butt) upon a Motion for the production of the Papers under which the man was confined. That Motion was refused by the House; but the present Chief Secretary for Ireland said that the Government had only recently come into power, but that he would make inquiry, and if the man could be safely released, he would release him. The right hon. Gentleman did make inquiries, and did release the man, from which he drew the inference that there were no longer any grounds for detaining him. The Lord Lieutenant for Ireland, however, complained of misrepresentation, because a great many memorials were presented to him in regard to this prisoner, and he

made no less than 14 Minutes respecting his case. In that debate the Attorney General stated that no application had been made by the prisoner until the matter was brought before the House, and this was also what he (Mr. Mitchell Henry) had stated. He wished to do every justice to a Nobleman who was justly respected in Ireland, and who was one of the most popular and pains-taking Lords Lieutenant who had ever been sent across the Channel.

SIR MICHAEL HICKS-BEACH wished to remind the hon. Member that the statement of the Attorney General referred to the time during which the present Government was in office.

MR. MITCHELL HENRY said, in that case, he might ask the late Chief Secretary for Ireland, who was present and who took part in the debate, why he had not told the House of these memorials which had been presented? He only wished to do justice to the late Lord Lieutenant of Ireland, and that this unfortunate prisoner's case should be fairly placed before the public. For that purpose, he would to-morrow move for Returns in regard to this case—for copies of the memorials, of the Minutes made upon them, and of the medical reports which had induced the Lord Lieutenant to remove Casey from the prison in which his health was breaking down. He had stated the facts literally as they occurred, and as they had been stated over and over again, and not contradicted by the front bench on both sides. His offence was that after relating the facts he had drawn an inference from them. He could come to no other conclusion than that the man had been really forgotten. It now appeared, however, that the man had not been forgotten, because these memorials had been presented for his release. He had been told that his late Friend, Mr. John Martin, would not have sanctioned this statement; but he knew well the sentiments of his late revered Friend, who would have said that he had brought the matter under the attention of the Irish Government and could get no redress, and that the Government would not attend to the remonstrances of the Irish Members, but when the indignation of the English Members was roused, the Chief Secretary made inquiry, and immediately released the man. The case was a lesson in regard to the working of this Act,

and as such, he hoped, would never be forgotten. When a man could be arrested in Her Majesty's dominions, and at the will of one man, whoever he might be, could be kept for three years and a-half in solitary confinement, let no hon. Member go on the Continent and boast that no man could be imprisoned in this country except after due trial and conviction. He ought to add that the noble Earl had courteously given him Notice of his intention to bring the matter forward in "another place," and he had given the noble Earl the exact words he had used. The noble Earl, however, had not read that statement in the House of Lords, because, as he was informed, he did not consider it necessary to do so.

LORD ESLINGTON said, the matter had been made the subject of explanation in "another place."

MR. SPEAKER called the noble Lord to Order. The hon. Gentleman (Mr. Mitchell Henry) had made a personal explanation, but any further reference to what had taken place in "another place" was irregular.

LORD ESLINGTON said, that the hon. Gentleman who had last spoken accused the Lord Lieutenant of neglect in the case of Casey. He (Lord Eslington) wished to state, on the highest possible authority, that it was an entire mistake to suppose that either in the case of Casey or of any other prisoner sent to gaol under the special powers of the Act in question the attention of the Lord Lieutenant was ever withdrawn from any prisoner. If it was made as a charge against the Lord Lieutenant, he (Lord Eslington) gave it his positive denial, and would affirm that the Lord Lieutenant's attention was constantly and continually directed to that man during the whole time he was in prison.

MR. BIGGAR thought the noble Lord opposite (Lord Eslington) had made out an exceedingly bad case for the Lord Lieutenant. The case of the prisoner Casey was so strong as to show that no Government should be allowed to have the power of keeping a man in gaol untried for such a period of time. What they complained of in Ireland was that men's characters were whispered away by a lot of schemers, whose word could not be taken, if offered, in a Court of Justice. He did not see any difference between the two Governments. They were both bad, and instead of the Bill

being a message of peace to Ireland, as the Premier vaunted it to be the other evening, he could not see that it was anything but a Coercion Bill from the beginning to the end. The Irish people would not be content so long as one word of it remained upon the Statute Book.

MR. BUTT said, he wished to recall the attention of the House to the real question to be determined, from which the right hon. Baronet the Chief Secretary had attempted to lead them astray. It was not a question of confidence in the right hon. Baronet or in the noble Marquess who preceded him in the office that they had to consider, but whether they should give to any Government whatever such a power as they were now asked to grant—namely, the power of imprisoning a man for an indefinite period? For himself, he thought not; and therefore, in defence of the principles of liberty and of law, he refused to give it to the Government. He appealed to all the old precedents on this subject. This was the first occasion on which they were suspending the Habeas Corpus with so little regard for the subject. The practice was never resorted to in previous times, except when dangerous conspiracies existed, and almost always during war. The Habeas Corpus had been suspended in England and repeatedly in Ireland. In the English Act, however, there was a special provision that no person should remain in prison untried for more than six months. He had looked through the Statute Book since the Union, and back to the time of William III., and he found that in no case had power been given to keep a man in prison untried for more than 12 months. By extending these summary enactments to minor offences they were giving a new power which had not been employed since the Westmeath Act. Casey was detained in prison for four years, but the right hon. Gentleman the Chief Secretary thought it was only for two years and a-half, and he exclaimed in a tone of satisfaction—"Oh! he was only kept in prison without trial for two years and a-half." He had heard it claimed in that House as a merit and a eulogium of the Government in reference to this Bill, that a foreign journalist had written that if the Italian Government wanted to put down brigandage in Sicily they should adopt the principle of the Westmeath Act. He rather thought

the British Government had adopted as their model Murat's laws of 1810. There was a time when they used to lecture foreign Powers on the desirability of reconciling order with liberty; now they gave them their Westmeath legislation as a pattern for repressive measures. He would do Earl Spencer the justice to say there never was a Nobleman filling his high office that more earnestly desired to do his duty; but how could he come to any right conclusion when he had always to take the statements of police Inspectors, who placed their views before the Government officials, leaving to others the responsibility of acting on them. He would also admit that the noble Earl, as stated by the noble Marquess, had informed himself as to the particular case of the prisoner Casey; but that in no way altered his (Mr. Butt's) opinion that Casey was harshly and unjustly treated under a law which ought never to have been enacted. Let them suspend the Habeas Corpus by all means in the case of agrarian crime, if they thought fit, but let them give proper security against abuse. Could they not put down that wretched Ribbon conspiracy without employing these extraordinary means, and were they not, by enacting them, telling Ribbonmen that they were stronger than the authority of the British law? They surely could not want greater securities for internal order than they did when the French were in Bantry Bay, and he asked the House not to allow this power to exist for a longer period than 12 months.

THE O'CONOR DON desired to say a few words in explanation of the vote he was about to give. He did not mean to defend the course taken in 1871 by investing the Government with unlimited powers of arrest; but there was an essential difference between now and 1871. In 1871 the Government proposed its Westmeath Bill, and demanded these powers with the avowed purpose of exercising them by arresting the persons whom they deemed dangerous to the public peace. When the Act came into force they arrested those men. But what was the state of things now? The Government said they did not believe there would be a necessity of arresting anyone in those counties; and if they did not, how could they justify the continuance of those powers? There was certainly not the reason for passing

*Mr. Biggar*



such laws now as existed in 1871, and he should therefore support the Amendment of his hon. and learned Friend the Member for Limerick.

THE MARQUESS OF HARTINGTON said, his experience on this question was very different from that of the hon. and learned Member for Limerick. For his part, he had never heard any hon. Member for England, Scotland, or Ireland boast of the Acts they were now asked to renew. They were on the contrary regarded—he could certainly speak for himself—with feelings of regret, and he might say, of shame. It was because they felt that exceptional means of repression were necessary, that measures of this sort had been resorted to; and so long as crime of a particular character prevailed in Ireland, so long he should think the Government was justified in coming to Parliament for special powers to repress it. Whichever Government was in office that was a duty which it could not neglect. As for the point before the House, it did not seem to be one of vital importance. It seemed to him that to pass the Amendment of the hon. and learned Member for Limerick would place the Lord Lieutenant and the Irish Government in an invidious position. The Act would not only give him power, but would make him responsible for the exercise of it, and compel him to use it where necessary. If, therefore, a person were arrested, and at the end of 12 months the reasons which led to his arrest still existed, the Lord Lieutenant, if he undertook the responsibility the Act would cast upon him, would be bound to re-arrest the person immediately on his discharge. The adoption of the Amendment would, therefore, throw upon the Lord Lieutenant a very disagreeable and unnecessary responsibility. With respect to the case referred to by the hon. Member for Galway, there was no longer any necessity for a defence of the late Lord Lieutenant. The hon. Member had acquitted his noble Friend of any want of care and attention in the matter, and had transferred the charge to the present Lord Chancellor of Ireland, and to himself (the Marquess of Hartington). But why had not a full explanation been given last year in reference to the case? Because no Notice that it was to be brought on had been given. ["No!"] Certainly, no Notice had been given to him.

MR. BUTT said, he had given Notice in the usual way of a Motion for affidavits which reflected upon the action of the Irish Government.

THE MARQUESS OF HARTINGTON: The case to which the hon. and learned Gentleman referred was brought forward incidentally, and it was impossible that an Irish Secretary who had to attend principally to the business in that House could at a moment's notice answer as to every case which might be mentioned. With reference to the case in question, his right hon. Friend opposite gave to the hon. and learned Member all the information that was required, and he, himself, without going into the particulars of the case, stated that all those matters had been carefully inquired into, especially by the Lord Lieutenant and the Law Officers of the Crown. His (the Marquess of Hartington's) duties lying more in connection with the House than with the administration of the Acts in Ireland, he was not so fully acquainted with those cases as was his noble Friend; but he asserted then, and was justified in the assertion, that not one of those cases had been overlooked, and that no prisoner was detained in custody a moment longer than was required by the circumstances which had led to his arrest.

MR. M'CARTHY DOWNING said, he wished to offer a word of personal explanation. The hon. Member for Cavan (Mr. Biggar), had given him Notice of a Question which the Forms of the House did not permit him to put, but to which he hoped he might be allowed to refer for the purpose of making a personal explanation. He was asked to explain why it was he had stated "in the name of the Irish Members," that they were satisfied with the courtesy which had been extended to them by the Government during the progress of the Bill. A similar demand had been made of him by his hon. and gallant Friend the Member for the City of Waterford, and as he had been misrepresented in the Irish Press for what he had said, he would read the reply he had sent to his hon. and gallant Friend. The reply would be the answer to both questions.

MAJOR O'GORMAN: I rise to Order, Sir. If the hon. Gentleman is going to read his reply to me, I hope he will first read my letter to him.

MR. M'CARTHY DOWNING said, he had no objection. It was dated 7th of May, and ran as followed:—

"My dear Sir,—I perceive that *The Pall Mall Gazette* and *The Daily Telegraph* report you as having said in the debate on the Coercion Bill that on behalf of the Irish Members you thanked the Government for their courtesy during the discussion. I should be much obliged by your informing me whether or not I, as one of the Irish Members, authorized you to make such a declaration on my behalf, and if not, how it came to pass that you made such a declaration."

In his (Mr. Downing's) reply, he stated—

"In reply, I have to inform you that I made no such declaration. If I had it would have been an assumption on my part unwarrantable and indefensible."

Until he received the hon. and gallant Member's letter he had not read any report of the proceedings on Thursday evening, but he then referred to the newspapers. He found in the Parliamentary review in *The Pall Mall Gazette* that reference to him was only made, and that no report of the proceedings was given. *The Daily Telegraph* reported him as speaking on behalf of Irish Members, but that was a mistake of the reporter—probably arising from the low tone in which he spoke; but the paper which gave the fullest and most accurate report, *The Times*, reported him as speaking of himself individually, and what he said was that he acknowledged the fair consideration that the Irish Members had received from both sides of the House, and that in the discussion of national and constitutional questions of great importance English and Scotch Members had given them a large support, and he added, as would be found in *The Standard* report, that, on the whole, he thought the majority of the Irish Members would be satisfied with the manner in which they had been met by the Government with regard to the proposals made by Irish Members. In continuation, he wrote—

"I would not have so expressed myself, if I had not felt justified in doing so, and I do not now desire to withdraw a single word that I uttered upon that occasion, and for which I hold myself responsible to no Member or Members of the House. I must in conclusion say, that I think your letter to me is more formal than it need have been, and that you might in a friendly way have mentioned the matter to me, and not have made it a matter of correspondence."

MAJOR O'GORMAN requested that the hon. Member for Cork would read his answer to that letter.

MR. BIGGAR rose to make a personal explanation. ["Spoke!"] He thought it was only fair to the House and to himself that the communication on this subject which he addressed to the hon. Member for Cork should be read verbatim.

MR. SPEAKER reminded the hon. Member that he had already addressed the House on the question, and had exhausted his right of speech.

MR. RONAYNE wished to give the reasons which induced him to speak on the subject on Thursday evening. He understood the hon. Member for Cork to say that, in the absence of the hon. Member for Limerick, he spoke for Irish Members. ["No," and "Question!"] If the hon. Member only proffered the conventional shake of the hand between the victim and Calcraft before the drop scene, of course he was at liberty to do so; and he (Mr. Ronayne) had no more to say upon the subject, except it was that having always received courtesy from the occupants of the Treasury benches he was not surprised that the party had received it now.

MR. O'CONNOR POWER said, that seeing a great number of Members had entered the House in the prospect of a division, he wished briefly to state the importance of the question upon which they would vote. The hon. and learned Member for Limerick wished to take away from the Lord Lieutenant the power of imprisonment, including the suspension of the Habeas Corpus. To that Amendment he should give his cordial support, and he most earnestly appealed to every hon. Member in that House on either side who wished to send a message of peace to Ireland to vote in support of the new clause. He believed that the question before the House must be examined on two points. 1. The nature of the imprisonment, and 2. The period over which the imprisonment should extend. The imprisonment would be on suspicion only, for there could be no proof of guilt; and he thought in the present age of electric telegraph and steam, that a reasonable limit should be placed on the period for which a person could be detained, whilst evidence was being obtained. With reference to the matter introduced by his hon. Friend the Member for Cavan, he wished to say that the hon. Member for Cork had misquoted the question which it was the

intention of the hon. Member for Cavan to put to him. That hon. Member merely called in question the statement that the Irish Members had received any consideration from the Government, and the question which the hon. Member intended to ask was, whether the hon. Member for Cork, on Thursday the 6th instant, spoke as follows:—"That he took the opportunity, on behalf of the Irish Members, to state that during the discussion they had received every consideration from the Government." Hon. Members would see that there was a great difference between "courtesy" and "consideration." He believed the hon. Member for Cavan was as ready as anyone to acknowledge that they had been treated with courtesy; but he concurred with the hon. Member in saying that they had no thanks whatever to give for consideration.

Motion made, and Question put, "That the said Clause be now read a second time."

The House *divided*:—Ayes 146; Noes 239: Majority 93.

Clause 3 (Continuance of Peace Preservation (Ireland) Act, 1870, subject to amendments and modification).

CAPTAIN NOLAN, in moving, as an Amendment, in page 2, line 16, to leave out "eighty," and insert "seventy-seven," said, two years had been the limit in all previous Acts of this kind, and he saw no reason why the period should be extended on this occasion, save that it would benefit Gentlemen opposite. There were three distinct views prevailing in the House as to the necessity of the Bill, but each of them, on consideration, led to the conclusion that it was good party policy for the Conservatives to shelve the question for five years instead of passing it for two years. The first theory was that of hon. Gentlemen who sat below the Gangway on that (the Opposition) side of the House—and he was glad to say that it was not only entertained by Irish Members, but by some Englishmen also—and it was that the Bill was unnecessary for either five or two years; another theory was that the Bill was necessary for five years; and the third—that of hon. Gentlemen above the Gangway on the Opposition side—that it was necessary for two years. There was only one supposition on which

the Bill was a good one, and that was that it was of such national importance that the Conservatives should sit on the front Ministerial Benches, that every other interest should give way to this consideration. The present Bill, theoretically and practically, was against the Constitution, and in this respect it was so far unlike the Mutiny Bill to which it had been compared, for the latter was only theoretically unconstitutional. The measure that they were discussing, then, should be passed for two years rather than five.

Amendment proposed, in page 2, line 16, to leave out the word "eighty," in order to insert the words "seventy-seven," — (Captain Nolan,) — instead thereof.

SIR MICHAEL HICKS-BEACH said, there was nothing in the conduct of the Government in regard to this Bill that justified the imputation of the hon. and gallant Member. Matters of this kind were above Party considerations, and for himself, he affirmed that if not in office Party differences would not prevent him from supporting any Government in proposals that were necessary to secure peace and order in Ireland. They believed there was no reasonable ground for hoping that in a less period than five years it would be possible throughout the whole of Ireland to dispense with the restrictions upon the possession of arms and the other mild provisions of the existing law which that Bill proposed to re-enact. They feared there would be places in Ireland where these modified restrictions would continue for some years to be necessary, and he asked the Committee to entrust them with these powers for that period. Besides, it was thought more satisfactory to deal with the question at once for five years than to have it brought up, as it would be if the hon. Member's views were adopted, for frequent discussion.

Question put, "That the word 'eighty' stand part of the Bill."

The House *divided*:—Ayes 180; Noes 112: Majority 68.

SIR PATRICK O'BRIEN, in moving an Amendment providing, that any proclamation issued under any of the provisions contained in the Act, and which should be in force at the time of its

passing, should, unless previously revoked, continue in force until the 31st of December, and not for a longer period, unless the Lord Lieutenant, with the advice of the Privy Council for Ireland, to be published in *The Dublin Gazette*, should make a declaration to that effect, said, that the terms of the Amendment were somewhat different from those moved in Committee by the hon. and learned Member for Limerick, in that the limit proposed by that hon. Gentleman was extended from the 1st of August to the 31st of December. The Amendment did not affect the principle of the Bill; but he thought due consideration should be given to the subject, and as the proclamations would die out on the 31st of December the Government would before that time have the opportunity of considering whether they ought to be renewed or not.

#### Amendment proposed,

In page 2, line 16, after the word "eighty," to insert the words "Provided always, That any proclamation issued under any of the provisions hereby continued, and which shall be in force at the time of the passing of this Act, shall, unless previously revoked, continue in force until the thirty-first day of December next, but shall not continue longer in force unless the Lord Lieutenant, by a new proclamation to be made by and with the advice of the Privy Council of Ireland and published in the *Dublin Gazette*, shall declare and direct that the said former proclamation shall be and continue in force after the said day; and thereupon such proclamation shall so continue in force."—(*Sir Patrick O'Brien*.)

Question proposed, "That those words be there inserted."

SIR MICHAEL HICKS - BEACH pointed out that the practical effect of the Amendment, if it were put in operation, would be the revocation of all proclamations on the 31st of December, whether the state of the country justified that revocation or not. Then, if the Government found that they ought not to be dispensed with, they would have to be re-imposed. He had already given an undertaking that all proclamations in force after the passing of the Act would be carefully reconsidered, and he hoped to be able to revoke some proclamations in quiet districts of Ireland. The Amendment therefore, could have no practical effect; while it would seem to imply a want of confidence in the Government, which had not yet been expressed by Parliament.

*Sir Patrick O'Brien*

MR. BUTT accepted the right hon. Baronet's assurance, that all existing proclamations would be reviewed, with the object, where it could safely be done, of revoking them, and upon that understanding he recommended his hon. Friend the Member for the King's County to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. O'SULLIVAN, in moving an Amendment, to the effect that where a person was licensed to have arms in his house, he should be at liberty to carry them upon lands in his occupation adjoining his residence, said, that if a man was deemed worthy by the magistrates of the district to have a gun in his house, he did not see any reasonable objection that could be urged against allowing him the privilege of carrying them for the protection of his property in the immediate vicinity of his dwelling.

#### Amendment proposed,

In page 2, line 19, to leave out from the word "authorised" to the word "endorsement," in line 25, in order to insert the words "so licensed to carry such arms while upon any lands in his occupation adjoining his residence," — (*Mr. O'Sullivan*.)

--instead thereof.

SIR MICHAEL HICKS - BEACH did not consider the question one of any great importance; but still he retained the opinion that to adopt the proposal of the hon. Member for Limerick would be rather to diminish the number of arms licences than to increase them. All that a person having a licence to keep a gun in his house would be required to do, if he wanted to carry arms on his lands, was to go to the nearest resident magistrate and ask for an endorsement. The only advantage of the Amendment, therefore, would be that people who were already allowed to have arms in their houses would be saved the trouble of going to a magistrate, if they wished to carry them on their lands. On the other hand, there was this disadvantage attending it, that the issue of licences merely to have arms in a house might be restricted in consequence of its adoption.

Question, "That the words 'authorised to grant such licences in such proclaimed district' stand part of the Bill," put, and *agreed to*.



MR. BRUEN said, the Government had conceded the point that, on the recommendation of two magistrates residing in the same petty sessional division as the applicant, a licence to carry a gun should be granted; and, as the great argument in support of the Amendment was that farmers required a gun to protect their crops from birds, he would accordingly move, as an Amendment, in page 2, line 26, after the word "grant," to insert "to any occupier of one or more agricultural holdings." He thought the power of granting those certificates should not be exercised wholesale, and therefore he desired to limit the power of the local magistrates.

Amendment proposed, in page 2, line 26, after the word "grant," to insert the words "to any occupier of one or more agricultural holdings."—(*Mr. Bruen.*)

MR. BUTT hoped the Government would not assent to this change in the concession which had been agreed to on the subject. He saw no real good to be derived from this special restriction.

MR. GIBSON said, it had been suggested in a previous debate, that a licence might be properly granted by two justices to a neighbour to kill crows, and this Amendment was fair and reasonable, and in furtherance of that suggestion.

MR. O'SULLIVAN opposed the Amendment, on the ground that it would tend to limit the power of carrying arms.

MR. BIGGAR also opposed the Amendment. He thought it a shame and a disgrace to the Government that it should bring in a coercive Bill of this kind, and press it through the House in the way they were doing.

VISCOUNT CRICHTON hoped the Amendment of the hon. Member for Carlow would be accepted, as it met directly a point very much raised by hon. Members opposite, the necessity of giving security to farmers against the ravages made on their crops by crows. He hoped the Government would support the Amendment.

MR. P. MARTIN said, he hoped the clause would be allowed to remain in the state in which it was framed by the right hon. Baronet who had charge of the Bill, and that the Government would not listen to the promptings of extreme

Members, who seemed inclined to draw the Government into difficulty.

SIR MICHAEL HICKS-BEACH said, he very much regretted that the hon. Member for Carlow (Mr. Bruen) was unable to attend the discussion of the Bill in Committee, because had his (Sir Michael Hicks-Beach's) attention been drawn to this point when he accepted the Amendment of the hon. and learned Member for Limerick, he should have felt it his duty to modify it at the time in some such way as was now proposed. If the clause were allowed to remain as it was the operation of the Bill would be alike in town and country, whether under borough or under county magistrates. The Amendment had certainly come from the Government side of the House; but he was unable to see why the only alterations the Government were to accede to should be those which proceeded from the other side of the House. They ought not to be called upon to reject an Amendment, because it came from that—the Ministerial—side of the House, always provided that it was supported by argument, and shown to be an improvement upon the provisions of the measure. When the Bill was in Committee not a word was said as to the advisability or necessity of extending the number of licences in towns, but he had been since advised that the clause would, as it stood, apply as well to towns as to agricultural districts, although, from the manner of its wording, no one could have supposed that it would have this effect. He was not aware that in the towns in Ireland there was any particular desire for licences to carry arms; but, if there were, the demand had not been made on their behalf in that House. But if the possession of arms became general in the towns, there were many places where the consequences might be very serious to the public peace, especially on the occasion of elections and of party processions. He could name, he was sorry to say, towns in the South of Ireland in which the spirit of disaffection prevailed to such a degree that concealed stores of arms had only recently been discovered, and Militia rifles had been stolen from the military depôts. Those were facts which the Government must consider in dealing with the matter. It was in reference to the country that he had originally accepted the Amendment. He did not suppose that the magistrates,

whether of counties or boroughs, would wilfully grant licences to carry arms to persons who would use them in party warfare or rebellion. If they were to do so, the remedy would be in the hands of the Government; but he knew that certificates to character were too readily signed, and that magistrates might be found, who, out of easy good nature, and without taking the trouble to inquire into the character of the people, would grant those certificates, feeling that in doing so they were not incurring the responsibility of granting licences. Feeling that, and looking upon the paragraph as one intended and framed to apply to the country rather than to towns; feeling, also, that if the extension of licences to carry arms was wanted at all it was in the country and not in towns, he was disposed to accede to the modification in the paragraph suggested by the hon. Member.

CAPTAIN NOLAN thought that the Chief Secretary and the Ministry had shifted their ground two or three times on this subject. They had been told that the Act was necessary in consequence of agrarian outrages; but "agrarian" was something connected with the land, and yet, as agricultural holdings were referred to in this Amendment, the only persons who were to have arms were those who had been committing the murders. The modification to which the Government had now given its sanction showed that they were afraid to trust their own magistrates. The whole course of the Bill showed that it was a Game Bill pure and simple. It was urged upon the Government by persons who were interested in the maintenance of the Game Laws; but if this Bill passed with the Amendment, the Government might just as well write on the back of the Bill—"This is a Game Law."

MR. KAVANAGH expressed his regret at the concession which Her Majesty's Government had made, and he was only satisfied with it now on the understanding that the right hon. Gentleman accepted the Amendment of the hon. Member for Carlow. The hon. and gallant Member for Galway had accused the magistrates of Ireland of using the Peace Preservation Act to preserve the game; and notwithstanding he now pressed for increased power to be placed in their hands. The plea on

which it was urged that greater facilities of obtaining licences to carry arms should be afforded to the rural inhabitants was to enable them to defend their crops from the depredations of the crows; but he was at a loss to understand how that held good with reference to the urban population, as it was not the habit of crows either to frequent, or commit depredations, in the streets of towns. The effect of the Amendment of his hon. Friend would only be to restrict the concession to the rural districts, and as such he was glad that the Government had accepted it.

MR. REDMOND said, that he could not understand why the Government placed less confidence in magistrates of towns than in those of country. He was sorry to see the Government were now backing out of one of the concessions they had made in reference to the clause, to which the Amendment of the hon. Member for Carlow applied.

MR. CONOLLY contended that the Government were justified in accepting the Amendment, which he must say had no relation whatever to the subject of game.

MR. O'SULLIVAN opposed the Amendment, which he contended was introduced with a view of limiting the power of the magistrates to grant licences to persons in towns to carry arms.

MR. M'CARTHY DOWNING said, the Amendment would cause great dissatisfaction in Ireland. An Amendment which would enable a farm labourer who had an acre of land a mile from a town to have a licence to carry arms, whilst it withheld from a man who had lived in the town the same privilege, was an insult to Ireland.

MR. O'NEILL supported the Amendment of the hon. Member for Carlow. He thought it would not show the least want of confidence in the magistrates.

MR. SULLIVAN expressed his regret that the Government had consented to give way, for by doing so they had undone all the concessions previously granted on the subject. The fact of its having done so proved that the change now proposed was brought about by a caucus, whose influence in Parliament had not now been exercised for the first time. He meant that it was influenced by the "Ultra-Marine" Club in Dublin, who, finding that the Government had

thus given way to the Irish Members in relation to the subject, had expressed their determination to influence the Government to limit and hedge the concession that had been made in a manner that would give offence to the people of Ireland. The right hon. Gentleman the Chief Secretary for Ireland knew well the effect of the concession which he had made to the Irish Members when the subject was formerly before the House.

SIR MICHAEL HICKS - BEACH begged to say that at the time he made the concession referred to he did not see the full scope of the Amendment then proposed.

MR. SULLIVAN said, of course, he must accept the denial of the right hon. Gentleman; but there could be little doubt of the fact that it was owing to the conduct of the Dublin Club, to which he had already alluded, that a Minister of high personal character and ability was still liable to be forced to wheel to the right-about at the behest of a faction which had been the author of the worst evils of Ireland. Five days ago the journals of that party had stated, with menace, that the right hon. Gentleman would have to accept such a proposal as this, and sure enough he had done so.

Question put, "That those words be there inserted."

The House *divided*:—Ayes 122; Noes 84: Majority 38.

MR. BRUEN moved, as an Amendment, in page 2, line 27, to leave out from "upon" to "shall," in line 29, and insert "any lands occupied by him provided he." The Amendment would have the effect of bringing the clause into accordance with the Amendment just agreed to, and would confine the Act to licences to carry arms to the occupiers of such holding or holdings. As to raising the question again, he repudiated the motives ascribed to him by hon. Members opposite, and denied that he was the representative of a party which differed from the Government.

Amendment proposed, in page 2, line 27, to leave out from the word "upon" to the word "shall," in line 29, in order to insert the words "any lands occupied by him provided he,"—(*Mr. Bruen*),—instead thereof.

CAPTAIN NOLAN said, the clause was very carefully considered in Committee,

and the right hon. Gentleman the Chief Secretary, after much consideration, at length saw his way clearly to the concessions he had made. By the Amendment just agreed to, however, the Government had cut off one-half of that concession, and now it was by the present, which raised a totally different question, proposed to cut off a moiety of the remaining half, and to restrict the granting of licences to carry to only the actual occupier of the holdings, though, as had been shown, these were in many cases women. He trusted the Chief Secretary would not consent to this withdrawal of the second part of his concession granted after full deliberation.

SIR MICHAEL HICKS-BEACH said, he had already explained to the House the reasons which induced him to accede to the first Amendment moved by the hon. Member for the county of Carlow; but as to the Amendment now under consideration, he agreed with the hon. and gallant Gentleman who had just sat down, that it did not raise precisely the same question. He thought the words proposed by the hon. Member for the county of Carlow would limit the operation of the paragraph in a way that he should not like to agree to, for it would perhaps prevent a licensed person from carrying arms from his own residence to the land that was occupied by him; and he would, therefore, suggest that, instead of this Amendment, they might insert words providing that upon the certificate of the two magistrates the licensing officer might grant a licence within the district in which the magistrates had jurisdiction. ["No, no!"] If that was not done the result might be that, as in many cases the district of the licensing officer extended beyond a county borough, the certificate of magistrates might be held to be valid in places in which they had no legal jurisdiction.

MR. BUTT said, there was matter of much greater importance than the mere alteration of words raised by the course which had been taken by the right hon. Gentleman. These Amendments struck at the root of Irish liberties, and they were proposed not by the Government, but at the bidding of a dark cabal, the enemies of the Irish Members. The right hon. Baronet the Chief Secretary was now taking away concessions which

the Government had openly granted after due consideration. He would remind the right hon. Baronet of the words—"Unstable as water, thou shalt not excel." The meaning of these words was to destroy those concessions which had been granted, and what confidence could they have in the Government if they allowed themselves to be guided in this way by what he would not call the miserable remnant of an expiring faction, who were unable to give strength to the Government, but who were able to mislead them, and induce them to abandon a course which had given satisfaction, and adopt another for which no good reason had been shown. It was not the first time that this course had been adopted, and he looked upon it as miserably trifling. The Government had placed themselves in the hands of the enemies of the Irish people. Of course, they loved the Irish people so well that they would not give them the privileges of carrying arms except under the most stringent and degrading restrictions. If two magistrates could not vouch for the fitness of people to carry arms, the Amendment he had previously proposed ought not to have been adopted; and if they could guarantee the fitness of people to have that right, there was no necessity for these restrictions. He said it was the Government itself which was teaching the people to distrust the magistracy and the administration of the law, and to have no confidence in the Government. Let the right hon. Gentleman understand that on this Amendment he was upon his trial before the people of Ireland. Let him make his choice between them and their determined hostility. No soft words, no honeyed expression, could escape that result. He (Mr. Butt) had read of one who was

—"the mildest-mannered man

That ever scuttled ship or cut a throat;"

and he could assure the right hon. Baronet that the mildness of Lambro's manners would no more have saved him from conviction on a charge of piracy than honeyed phrase would save the Chief Secretary for Ireland from condemnation for supporting the Amendment of the hon. Member for Carlow. He (Mr. Butt) really did feel warm. He had endeavoured to give credit to the right hon. Gentleman when he thought he could honestly do so; but he

*Mr. Butt*

had looked for different treatment from the Government, expecting that the Chief Secretary had firmness enough not to be controlled by the extreme Gentlemen behind him.

SIR MICHAEL HICKS-BEACH: In explanation I wish to say that the hon. and learned Gentleman has misunderstood me. What I said was that I objected to the Amendment of the hon. Member for Carlow.

MR. BUTT said, if that was so his ears had deceived him. He certainly understood the right hon. Baronet as supporting the spirit of the Amendment and objecting only to its form.

MR. CONOLLY said, the hon. Gentlemen on that—the Government—side of the House were not accustomed to the menacing tone which the hon. and learned Member for Limerick had adopted. That was the first time in that House that he had ever heard a set of Gentlemen who were honestly discharging their duty characterized as a "faction" and a "cabal." The use of such un-Parliamentary epithets, it was plain, was only resorted to for one purpose, and that was, that those who used them might go before the Irish people, in the hope that they might deter the Conservative Members from doing their duty in that House. But let him tell the Irish Members on the other side that, although they were more numerous than those on that side, their transient popularity in insulting their brethren from Ireland would not sustain them. He deliberately charged hon. Members opposite with having insulted their brethren from Ireland by applying to them the terms "cabal" and "faction."

MR. CALLAN rose to Order. He wished to know whether the hon. Member was justified in deliberately charging hon. Members on that (the Opposition) side with improper, dishonourable, and illegal proceedings. He protested against it.

MR. SPEAKER: The hon. Member is quite in Order.

MR. CONOLLY said, he had used no such terms; but they were mentioned on the other side, to the great disgrace of hon. Gentlemen sitting there. He had not done with those hon. Gentlemen yet, because that system of vilification had now been established and persisted in beyond all precedent. It was only the other night that he had to refer to an



hon. Gentleman who had a journal widely circulated in Ireland, and not satisfied with the power he possessed of attacking hon. Gentlemen in that House, which was very fair when they were there to answer him, he used this weapon behind their backs to vilify them in Ireland. When he saw them face to face he did not dare to bring forward these nocturnal and clandestine observations. The tone of hon. Gentlemen opposite had hitherto during these discussions been somewhat moderate; but that evening they had transgressed the ordinary bounds, and owed a personal apology to those to whom they had alluded as a "faction" and a "cabal," their object in thus stigmatizing them being to put a false impression on their conduct in the estimation of their constituents.

MR. M'CARTHY DOWNING confessed that if he had known that the right hon. Gentleman had intended to yield to the Amendment of his hon. Friend the Member for Carlow (Mr. Bruen), he should never have risen in his place to pay a compliment to the Irish Executive. By that concession the right hon. Gentlemen had destroyed all the concessions he had made in agreeing to the Amendment of the hon. and learned Member for Limerick. In doing so, he (Mr. Downing) could not give the right hon. Gentleman credit for candour, because in agreeing to the Amendment of the hon. Member for Carlow, a man living within half a mile of a petty sessional district taking out a licence to carry arms would only be able to carry them for that half mile, and if he crossed the boundary of that petty sessional district he would be amenable to this Act. Such a provision was, he would not say "disgraceful" or "mean," but certainly not creditable to the Government, and when he returned to Ireland he should say that they had pretended to yield concessions which really had not been yielded.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, the right hon. Gentleman behind him merely suggested that if the Amendment of the hon. Member for Carlow should not be accepted, some words might be introduced which would limit the jurisdiction of the magistrates in reference to the granting of licences to carry arms within the bounds in which they exercised jurisdiction in relation to their other magisterial duties. When hon. Gentlemen

accused the Government of having done nothing that evening but yield to hon. Gentlemen behind them, he must remind them that early in the discussion they granted a most important concession on the Amendment of the hon. and learned Member for Limerick.

MR. MITCHELL HENRY said, that during the discussions in the late Parliament on the Disestablishment of the Irish Church and the Army Bill nothing was more common than to say the proceedings were promoted by "factions." The late Government in dealing with Irish questions had no Law Officer, and the present Government would have none, if it were not for the existence of the Protestant University of Dublin, which gave them the assistance of two Conservative Law Officers. But with that legal advice, it was not surprising they still believed that Ireland required a very stringent Bill. The other night when compliments were passing between the two sides of the House, he (Mr. Mitchell Henry) had objected to that proceeding, because he knew that before the Bill was out of the House, they would see that the gloved hand which the Government displayed had claws at the end of it. At present none but a resident magistrate could give a licence for carrying arms, and that power had been exercised with gross partiality. There were numerous complaints in Ireland of the capricious and illegal manner in which resident magistrates had refused to grant those licences, and he was surprised the Government should think it inadvisable to grant this concession. In one instance, while the late Administration were in office, the manager of a bank was capriciously refused a licence by a resident magistrate; and on the circumstances of the case being afterwards brought under the notice of the then Chief Secretary, the noble Marquess required that resident magistrate to offer an apology to the applicant, and also to grant him a licence. The Government had agreed the other night to require a resident magistrate to grant a licence on the recommendation of two Justices; and they were now not only retracting that concession, but showing to the people of the Three Kingdoms that they were ready to play fast-and-loose with the provisions of a Bill which was far more stringent than any measure their

forefathers would have sanctioned. The course they were pursuing showed that they did not know their own business. They had to-night made an important concession to the hon. and learned Member for Limerick. The reason of that was, that the English legal authorities upon their own side of the House could not support them in the enforcement of a principle so alien to everything that had occurred in this country.

MR. COLLINS said, he was pleased when he came down to the House to find that concessions had been made by the Government; but the Solicitor General for Ireland, to his surprise and regret, speaking for the Government, withdrew those concessions. The terms of indignation with which the hon. and learned Gentleman the Member for Limerick expressed himself, in reference to such a course of proceeding, was not, then, to be wondered at. He must confess that he shared in that feeling, for he considered that the Government, in taking such a step, after conceding what the Irish Members had extorted from them, had acted inconsistently; and the cause for the hon. and learned Member for Limerick's complaint was attributable to the Government turning their back upon the Irish Members in such a manner.

Question, "That the words 'any specified lands, or a licence to have and carry arms generally' stand part of the Bill," put, and *agreed to*.

On the Motion of MR. SOLICITOR GENERAL for IRELAND (Mr. Plunket), Amendment made in page 2, line 38, after "respectively," insert—

"And every such certificate shall be in the form in the Schedule (D) to this Act annexed. Any person having and carrying arms, or having arms in accordance with any such endorsement upon a licence as aforesaid, or in accordance with any licence granted in pursuance of any such certificate as aforesaid, shall be deemed to have a licence for such purposes respectively within the meaning of the Act of the eleventh year of the reign of Her present Majesty, chapter two."

MR. BUTT moved, as an Amendment, in page 3, line 13, at end, to add—

"And such warrant shall not be executed by search in any house or place not specified therein, unless upon the written authority of a justice of the peace acting for the county, and which authority such justice of the peace is hereby authorized to grant upon a sworn information showing reasonable and probable cause

for believing that arms are concealed or kept in such house or place, contrary to the provisions of the Peace Preservation Act."

The right hon. Baronet, he confessed, had, by limiting the time during which a warrant might run to three weeks, greatly mitigated the hardship which might be inflicted under the Bill, and he had promised to strike a more determined blow at the severity of the Act by only granting general warrants in special cases. In the same spirit, he trusted he would not object to the Amendment now submitted to the consideration of the House. If the Amendment were granted, he considered it would be preferable to the power proposed to be placed in the hands of the Lord Lieutenant, as by the Act of 1848, to issue a general warrant.

#### Amendment proposed,

In page 3, line 13, after the word "therein," to insert the words "and such warrant shall not be executed by search in any house or place not specified therein, unless upon the written authority of a justice of the peace acting for the county, and which authority such justice of the peace is hereby authorised to grant upon a sworn information showing reasonable cause for believing that arms are concealed or kept in such house or place contrary to the provisions of the Peace Preservation Acts."—(Mr. Butt.)

Question proposed, "That those words be there inserted."

SIR MICHAEL HICKS-BEACH considered that the parallel drawn by the hon. and learned Gentleman between the proposed Act and the Act of 1848 did not hold. He assured the hon. and learned Gentleman that he need not be apprehensive that unrestricted power would be placed in the hands of the police, and as he (Sir Michael Hicks-Beach) had agreed to a provision that no one's house should be searched at night he hoped the hon. and learned Member would not press his Amendment. Circumstances might arise—for instance, at sea-ports—in which it would be necessary to make a general search for arms without such a delay as would be involved in obtaining authority from the magistrates. Therefore he could not accept the Amendment. As regarded ordinary cases, however, he agreed with the hon. and learned Member that special warrants were generally proper. He proposed to consult the Law Officers of the Crown upon the matter, and with their assistance to frame a special form of warrant to take the place of general warrants to be used

*Mr. Mitchell Henry*

in every case except those cases to which he had previously alluded.

MR. BUTT said, he would accept that assurance, and would withdraw the Amendment.

Amendment, by leave, *withdrawn*.

MR. M'CARTHY DOWNING (for Mr. MELDON) moved an Amendment, in line 18, to the effect that the magistrates should be empowered in the exercise of their discretion to impose a fine in substitution of imprisonment upon persons charged with and convicted of the offence of having arms without licence. He objected to magistrates sending for trial a defendant who had consented to be dealt with summarily.

Amendment proposed,

In page 3, line 18, after the word "year," to insert the words "Provided always, That the court or judge before whom such person so charged shall be convicted may, if they shall think fit, instead of sentencing such person to imprisonment, inflict a fine upon such person so convicted, not exceeding the sum of ten pounds, and may, in default of the payment of such fine, commit the person so convicted or ordered to pay such fine to gaol, there to be imprisoned for a period not exceeding two months."—(*Mr. Downing.*)

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) opposed the Amendment, and urged that it was not desirable to take the power of punishing by imprisonment out of the hands of the magistrates. The case might assume a more serious aspect as it proceeded than it did before the evidence was gone into.

Question, "That those words be there inserted," put, and *negatived*.

On the Motion of Mr. SOLICITOR GENERAL for IRELAND (Mr. Plunket), Amendment made in line 41, by leaving out "Act," and inserting "enactment with respect to summary proceedings."

MR. O'SULLIVAN moved an Amendment to give a right of appeal to those sentenced to imprisonment for a month or less, as well as to those sentenced for longer periods. He considered this was a matter of vital importance, and he could not fancy any conceivable reason why it should meet with opposition.

Amendment proposed, in page 4, line 11, to leave out the words "exceeding one month."—(*Mr. O'Sullivan.*)

SIR MICHAEL HICKS-BEACH could not consent to the proposed alteration for the reason stated by him when the same proposal was made in Committee, which was that he objected to deviating in this case from the precedents of other Acts of Parliament, which did not allow appeals where the sentences were less than a month.

Question put, "That the words 'exceeding one month' stand part of the Bill."

The House *divided*:—Ayes 202; Noes 100: Majority 102.

MR. M'CARTHY DOWNING (for Mr. MELDON) moved an Amendment, providing that if any of the justices before whom the charge was heard should certify in writing that the case was a fit and proper one for appeal the person convicted, no matter what punishment he was sentenced to, might appeal from the conviction.

Amendment proposed,

In page 4, line 12, after the word "conviction," to insert the words "Provided always, That if any of the justices before whom such charge is heard shall certify in writing that the case is a fit and proper one for appeal, the person so convicted, no matter what punishment he is sentenced to, may in like manner appeal from such conviction."—(*Mr. Downing.*)

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) objected to the Amendment, as it would give a single justice the power to act counter to the general opinion of the Bench.

Question, "That those words be there inserted," put, and *negatived*.

SIR MICHAEL HICKS-BEACH proposed an Amendment to enable the Grand Jury to disallow any presentment for compensation on account of a death or injury arising from agrarian combination or crime, unless they were of opinion that material evidence with respect to the outrage was withheld by any person resident within the district.

Amendment proposed,

In page 4, line 20, after "1871." to insert the words "unless the grand jury making the same shall be of opinion that material evidence concerning the murder, maiming, or injury in respect of which such presentment is made is withheld by any person resident within the district proposed to be charged with the sum thereby presented; and where any such

presentment shall be made under the authority aforesaid."—(*Sir Michael Hicks-Beach.*)

Question proposed, "That those words be there inserted."

MR. M'CARTHY DOWNING thought it very hard indeed that the whole of the peaceful residents of a district, altogether innocent of the matter, should be punished because some one among them withheld information.

MR. BUTT moved to amend the proposed Amendment by inserting words which would require that the Grand Jury should be of opinion that material evidence was withheld with the general assent of the population resident in the district. There were cases in which the provision as it stood could not properly be enforced, for evidence might be withheld without in any way implicating the district in sympathy with the crime. For instance, it might be the wife or the child or the parent of the offender who withheld the evidence, as was natural, while the general body of the residents knew nothing whatever about it. However, he would leave the matter in the hands of the Government.

Amendment proposed to the said proposed Amendment, to leave out the words "by any person," and insert the words "with the general assent of the population," — (*Mr. Butt,*) — instead thereof.

Question proposed, "That the words proposed to be left out stand part of the said proposed Amendment."

THE O'CONOR DON thought the right hon. Baronet had redeemed the pledge he had given, and he therefore hoped that the Amendment just moved would not be pressed to a division. He concurred, however, in the proposed modification, which was within the spirit of the Amendment proposed by the right hon. Baronet. He would mention the case of a man who, having been wounded in the arm, applied to the Grand Jury of the King's County for compensation and obtained it, although the Grand Jury knew well that he could have given information as to who was the perpetrator of the outrage from which he suffered. It would be unfair to charge upon a locality this heavy tax in many cases which would be covered by the proposition as it stood.

SIR MICHAEL HICKS-BEACH said, the words in his Amendment had been

very carefully framed, in order to carry out the undertaking he gave when the Bill was in Committee. They would very much increase the difficulty of giving compensation, and were intended so to increase it; but the words proposed by the hon. and learned Member would make this difficulty insuperable. He could not go further than he did in the change now proposed.

Amendment to the said proposed Amendment, by leave, *withdrawn.*

Question,

"That the words 'unless the grand jury making the same shall be of opinion that material evidence concerning the murder, maiming, or injury in respect of which such presentment is made is withheld by any person resident within the district proposed to be charged with the sum thereby presented; and where any such presentment shall be made under the authority aforesaid,' be inserted in page 4, line 20, after '1871,'"

—put, and *agreed to.*

On the Motion of Mr. SOLICITOR GENERAL for IRELAND (*Mr. Plunket*) Amendment made in page 4, line 34, after "section," by inserting "thirty-nine amended as aforesaid."

MR. BUTT moved a Proviso at the end of clause, limiting to 2*s.* in the pound the amount of a presentment when finally fixed and settled by the Judge. The principle of the Amendment was discussed in Committee. The amount to be levied on presentments would often amount to 5*s.* or 6*s.* in the pound—a rate perfectly ruinous to many individuals. The hon. Member for Londonderry (*Mr. R. Smyth*) had proposed to fix the limit at 1*s.* in the pound. He (*Mr. Butt*) proposed to fix it at 2*s.*—an amount quite enough for an honest man to have to pay for the misfortune of living among persons who sympathized with crime.

Amendment proposed,

In page 4, line 35, to add, at the end of Clause 3, the words "Provided always, That no such presentment shall be finally settled or approved of by the judge in such a form that the sum to be levied under such presentment shall exceed in the whole the amount of two shillings upon each pound of the valuation of the district upon which same shall be charged."—(*Mr. Butt.*)

SIR MICHAEL HICKS-BEACH said, he must oppose the Motion, and for the same reasons as he stated in Committee.

Question put, "That those words be there added."

The House *divided*:—Ayes 93; Noes 211: Majority 118.



MR. BUTT moved a Proviso, to the effect that the sum to be levied by order of the Lord Lieutenant to defray the charge of additional police in a district under the Crime and Outrage Act, should not exceed 2s. in the pound on the valuation of the holdings in that district.

Amendment proposed,

At the end of the Clause, to add the words "Provided always, That from and after the passing of this Act the sum to be levied in any district under the seventh and eighth Clauses of the Act passed in the eleventh year of the reign of Her Majesty, entitled 'An Act for the better prevention of Crime and Outrage in certain parts of Ireland, until the first day of December one thousand eight hundred and forty-nine, and the end of then next Session of Parliament,' shall not exceed the amount of two shillings on each pound of the valuation of the district on which the same is charged."—(Mr. Butt.)

SIR MICHAEL HICKS - BEACH hoped the hon. and learned Gentleman would be content with the opinion which had already been expressed on this subject, and would not press his Amendment to a division.

SIR JOSEPH M'KENNA referred to a communication which he had received before the passing of the Westmeath Act from a resident magistrate in Westmeath, to the effect that if the police would do their work properly, 80 per cent of the crime in that county would be stopped, and the remaining 20 per cent would be stopped if the people were fairly treated. He trusted the Government would yet find some means of mitigating the cost of crime to innocent persons.

MR. M'CARTHY DOWNING urged that the charge for additional police should be dealt with not by the Lord Lieutenant, who relied for information upon a single individual—namely, a police magistrate, but by the Grand Jury, consisting of a large number of gentlemen who were fully acquainted with all the circumstances of the district.

Question put, "That those words be there added."

The House divided:—Ayes 84; Noes 206: Majority 122.

MR. BUTT, who had given Notice of Amendments to move the omission of Clause 4, and also to move an alteration in Schedule A, said, that at that late period of the night he would not press his Amendments.

SIR JOSEPH M'KENNA, who also had an Amendment to Schedule A, said, he would follow the example of the hon. and learned Member for Limerick.

Amendments, by leave, *withdrawn*.

On the Motion of Mr. SOLICITOR GENERAL for IRELAND (Mr. Plunket) the following new Schedule *agreed to*, and *added* to the Bill:—

"Schedule (D).

Form of certificate for arms licence.

County of

Petty Sessions District of

We, the undersigned Justices of the Peace for the above mentioned county, residing within the above-mentioned Petty Sessions District, do hereby certify that A. B. of [here insert name, description, and place of residence] within the said Petty Sessions District of , is a fit and proper person to have a licence to have [or, as the case may be, to have and carry] arms [here insert conditions and extent of licence].

Dated this day of 18 .

Signed C. D.

E. F.

Justices of the Peace for the said county of , residing within the said Petty Sessions District of ."

Bill to be read the third time *To-morrow*, at Two of the clock.

#### LAND TITLES AND TRANSFER BILL.

(Lords.) (Mr. Attorney General.)

[BILL 105.] SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL said, that, in answer to a Question put by the hon. and learned Member for the County of Denbigh (Mr. Osborne Morgan) on Friday last, he had said that most of the hon. Members who took part in the debate on the Bill last year were willing that the second reading should be proceeded with this year without discussion, and that the debate should be taken on the Motion that the Speaker do leave the Chair. Believing that to be in accordance with the views of the House, he would now move the second reading.

Motion made, and Question proposed, "That the Bill be now read the second time."—(Mr. Attorney General.)

MR. OSBORNE MORGAN said, he had assented to the appeal made to him; but he trusted that the Government would see their way to taking the discussion on the Speaker leaving the Chair at a period of the Session when it might be fully discussed. If it were relegated to the middle or the end of

July, when half the lawyers of the House had gone on circuit, it could not be properly considered.

SIR GEORGE BOWYER also hoped that the Attorney General would fix a time to insure the fullest discussion. He intended to oppose the Bill.

THE ATTORNEY GENERAL hoped that the Bill would receive the same full measure of criticism that it did last year, and every opportunity would be given, so far as he was concerned.

Question put, and *agreed to*.

Bill read a second time, and *committed* for *Monday 24th May*.

#### OFFENCES AGAINST THE PERSON BILL.—[BILL 131.]

(*Mr. Charley, Mr. Whitwell.*)

##### CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill, as amended, be now taken into Consideration." — (*Mr. Charley.*)

Amendment proposed, to leave out from the words "That the Bill" to the end of the Question, in order to add the words, "be referred to a Select Committee," — (*Mr. Vance,*)—instead thereof.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question put, and *agreed to*.

Bill *considered*.

MR. MARTEN moved the omission of Clause 5, on the ground that its operation might give rise to fraudulent representations.

Amendment proposed, to leave out Clause 5.—(*Mr. Marten.*)

MR. MONK maintained that this provision had been very carefully considered by the Royal Commission, and resisted its excision.

MR. PEASE took the same view.

MR. HERSCHELL supported the Amendment.

MR. ASSHETON CROSS also supported it.

Motion made, and Question put, "That Clause 5 stand part of the Bill."

*Mr. Osborne Morgan*

The House *divided*:—Ayes 8; Noes 121: Majority 113.

Bill to be read the third time *To-morrow*, at Two of the clock.

SAVINGS BANKS, &c. BILL.—[BILL 146.]  
(*Mr. Chancellor of the Exchequer, Mr. William Henry Smith.*)

##### SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time." — (*Mr. Chancellor of the Exchequer.*)

Motion made, and Question, "That the Debate be now adjourned," — (*Mr. Fawcett,*)—put, and *negatived*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for *To-morrow*, at Two of the clock.

MR. FAWCETT gave Notice that he would, in Committee on the Bill, move a Resolution.

##### WAYS AND MEANS.

Resolutions [May 7] *reported* and *agreed to*.

Instruction to the Gentlemen appointed to prepare and bring in a Bill upon the Resolutions reported from the Committee of Ways and Means upon the 16th day of April, That they do make provision therein pursuant to the Resolutions now reported and agreed to.

#### MILITIA LAWS CONSOLIDATION AND AMENDMENT BILL.

On Motion of Mr. Secretary HARDY, Bill to consolidate and amend certain Laws relating to the Militia of the United Kingdom, *ordered* to be brought in by Mr. Secretary HARDY, The JUDGE ADVOCATE, and Mr. STANLEY.

Bill *presented*, and read the first time. [Bill 160.]

##### PUBLIC STORES BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to consolidate, with Amendments, the Acts relating to the Protection of Public Stores, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented*, and read the first time. [Bill 159.]

#### ENDOWED SCHOOLS ACT (1868) CONTINUANCE BILL.

On Motion of Viscount SANDON, Bill to continue "The Endowed Schools Act, 1868," *ordered* to be brought in by Viscount SANDON, Sir HENRY SELWIN-IBBETSON, and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time. [Bill 161.]

House adjourned at One o'clock.

## HOUSE OF LORDS,

*Tuesday, 11th May, 1875.*

MINUTES.]—*Sat First in Parliament*—The Lord Tredegar, after the death of his Father.

PUBLIC BILLS—*First Reading*—Peace Preservation (Ireland) \* (100).

*Second Reading*—Chimney Sweepers (71); Artizans Dwellings (82); Seal Fishery (Greenland) \* (80); Gas and Water Orders Confirmation \* (70).

*Committee — Report* — Regimental Exchanges (44); Sea Fisheries \* (86).

*Third Reading*—Public Health (Scotland) Provisional Order Confirmation (No. 2) \* (55), and passed.

## CHIMNEY SWEEPERS BILL. (No. 71.)

*(The Earl of Shaftesbury.)*

## SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF SHAFTESBURY, in moving the second reading of the Bill, said, it had been his sad duty to address their Lordships twice already on this painful subject—once in 1853, again in 1864, and now again in 1875. Although he was compelled, in the interest of his clients, to stand for a time that evening, between them and a larger question, they would not, he was sure, be averted by the apparent meanness of the cause—far from mean, in fact, since it concerned the temporal and eternal welfare of some thousands of children, the most oppressed, degraded, and tortured creatures on the face of the earth. It was through their Lordships' House, and by their aid, that he hoped to appeal finally and effectively to public opinion. This "Chamber of Horrors" had long been open before us. The earliest trace of interest he could find was in the year 1773, when the matter was in the hands of Mr. Jonas Hanway; and in 1788 a Bill was passed by both Houses for the protection of climbing boys. Thus this terrible system had now been before the public for more than 100 years, and for 85 had been the subject of legislation. And yet the evil, wherever it prevailed, was, and was of necessity, as great as ever. He need not trouble them with the several provisions of the successive Acts. It was sufficient to say that all were marked by timidity, though with kind intentions, and all were far short

of the necessity, proved by the character of the evidence, and the safety of the remedy proposed. Here were the stages of legislation:—The first Act was in 1788—the 28th of George III. It was a good Bill in many respects as passed by the Commons, but it was detrimentally altered in the House of Lords. It passed, however, into a law, and continued so until 1834. But matters had become so bad in 1817 that the House of Commons passed an amending Bill, which, though highly approved by the Select Committee, to which it had been referred, was lost on the third reading in the House of Lords. Then came the Act of 1834. This was repealed by the Act of 1840, brought in by Mr. Fox Maule, the Under Secretary of State for the Home Department. This Act re-affirmed all the strictest provisions as to the structure of chimneys contained in the Act of 1834; it provided that no apprentices should be taken under 16 years of age, and it was the first that prohibited climbing boys altogether by enacting that none under 21 years of age should be allowed to ascend or descend flues. In 1853 he himself brought in a Bill to meet, if possible, the constant evasions of the Act; but this Bill was lost. In 1864 he brought in another Bill to remove some of those defects. It passed into a law, but, from a variety of reasons, had been inoperative in many parts of the Provinces. He would now call their attention to the evidence of oppression and suffering from 1773 to the present day. He again offered an apology for this drain on their time and patience; but they would see, he was sure, that this question was one of evidence and fact, and not simply one of appeal and argumentation. In 1788 there was no evidence taken before Parliamentary Committees, but the case must have been very clear and strong to move the two Houses to pass a restrictive measure when there was little or no force in public opinion, perhaps scarcely any existence of it, and when the Press had not attained the hundredth part of its present power. In 1817 there was abundant and frightful evidence taken before both Houses. He would give a sample of it, to show that the evil was the same now as then, and without any abatement. First, he would ask their Lordships to observe how great, compared with to-day, was the patronage extended to those children, and yet how

useless. In 1817 the society for their protection had the Prince of Wales as patron; the Duke of Bedford, Earl Grosvenor, Mr. William Wilberforce, Sir Francis Burdett, and a host of others as vice presidents. The Committee of the House of Commons, obtained by their efforts in that year, reported—

“Infants of the early age of four, five, and six years have been employed, it being the practice for parents to sell their children to this trade.”

The evidence went on—

“They are stolen from their parents and inveigled out of workhouses; that in order to conquer the natural repugnance of the infants to ascend the narrow and dangerous chimneys, blows are used; that pins are forced into their feet by the boy who follows up the chimney, in order to compel them to ascend it, and that lighted straw has been applied for that purpose; that the children are subject to sores, and bruises, and burns on their thighs, knees, and elbows; and that it will require many months before the extremities of the elbows and knees become sufficiently hard.”

Then after that statement, followed a long enumeration of the deformities, mutilations, cruelties, and diseases to which they were subjected, with the wretched moral and physical consequences; atrocious cases also of murder, treated as moderate manslaughter—and, to conclude, Richard Wright, a medical witness, stated the horrible character of the disease called “Chimney sweepers’ cancer,” which was confirmed by the eminent surgeon Mr. Cline, and before the Lords’ Committee in the same year by Mr. Vincent and Sir William Blizard. The same witness added a frightful catalogue of diseases and mutilations to which they were subject through ill-treatment. All this was confirmed and intensified by evidence before the Lords in 1818. This year, too, was signalized by a stirring and fearful article in *The Edinburgh Review*, in which the Rev. Sydney Smith recorded all the horrors of the trade, and left the public without the possibility of a plea of ignorance. Evidence was again taken in 1834, and in 1840 the Bill sent up by Mr. Fox Maule was referred to a Select Committee of their Lordships’ House. That evidence re-affirmed all the atrocities of the system, and satisfied the House of the necessity and safety of the proposed remedies. In 1853, also, much evidence was taken to show the violations of the Act. In 1864 we had the Report of a Royal

*The Earl of Shaftesbury*

Commission, which had been issued two years before, to inquire into the employment of children and young persons. To this evidence, as it was so recent, he would now call their Lordships’ attention. It must be, he feared, in many respects, a repetition of former statements; nevertheless the public and their Lordships might have forgotten them, and they would, he was sure, pardon the reproduction, for it was necessary, of evidence already given. Let them take first the ages at which they began to train up a child in the way he should go. It appeared from evidence taken in 1863 that the age at which training commenced was from six to eight, generally six—a “nice trainable age,” said the masters. There were instances of five, and even of four-and-a-half. The hours of work in the smaller towns were eight to nine; in the larger, from 12 to 16, work beginning at 4 o’clock, 3, and even 2 in the morning. 63 witnesses were examined from all parts of England, 33 of whom were master sweeps. Then followed the mode of doing it. Of the training, Mr. Ruff, of Nottingham, a master sweep, said—

“No one knows the cruelty which a boy has to undergo in learning. The flesh must be hardened. This must be done by rubbing it, chiefly on the elbows and knees, with the strongest brine, close by a hot fire. You must stand over them with a cane, or coax them by a promise of a halfpenny if they will stand a few more rubs. At first they will come back from their work streaming with blood, and the knees looking as if the caps had been pulled off. Then they must be rubbed with brine again.”

“The following description,” said the Commissioners, “is so painful, that we should hesitate to record it were it not amply confirmed:—‘If, as often happens,’ says a master sweep, ‘a boy is gloomy or sleepy, or anywise “lenty,” and you have other jobs on at the same time, though I should be as kind as I could, you must ill-treat him somehow, either with the hand or brush, or something. It is remembering the cruelty which I have suffered which makes me so strong against boys being employed. I have the marks of it on my body now, and I believe the biggest part of the sweeps in the town have the same. That (showing a deep scar across the bottom of the calf of the leg) was made by a blow from my master with an ash-plant—i.e., a young ash tree that is supple and will not break—when I was six years old; it was cut to the bone, which had to be scraped to heal the wound. I have marks of nailed boots, &c., on other parts.’”

Mr. Stransfield, another master sweep, said—

“In learning a child you must use violence. I shudder now when I think of it. I have gone



to bed with my knees and elbows scabbed and raw, and the inside of my thighs all scarified."

Another said—

"At first they will come back from their work with their arms and knees streaming with blood, and the knees looking as if the caps had been pulled off. Then they must be rubbed with brine again, and perhaps go off at once to another chimney. In some boys I have heard that the flesh does not harden for years."

One of the Commissioners stated—

"I found a boy of about eight, in the market, who had run away from some place. Part of his knee-caps got torn off, the gristle all showed white, and the guilders (tendons) all around were like white string, or an imitation of white cotton. His back was covered with sores all the way up."

To harden his knees a lotion made of old "netting"—i.e., urine kept long for the purpose—simmered with hot cinders, was put on them. "It was like killing him," said the sweep, "and I had to stand by and see it all." "Why, I myself," says another—

"Have kept a lad four hours up a chimney, when he was so sore that he could scarcely move; but I would not let him come down till he had finished. It has often made my heart ache to hear them wail, even when I was what you may call a party to it. In learning a child," he goes on, "you can't be soft with him, you must use violence. I shudder now when I think of it."

There, then, their Lordships might see what was the elementary education that a Christian people gave to its children! Here came in another form of suffering and death. In some cases children, said the Report, had been—

"Seriously burnt in consequence of having been compelled by their masters to ascend flues on fire."

Mr. Michael Brown, Coroner for the borough of Nottingham, stated that he had held two inquests on climbing-boys; in one the fire was burning, and something was put over the still hot fireplace to enable the boy to rest his feet on at starting. According to Mr. Peacock, of Burslem, Mr. Herries, of Leicester, had collected 23 cases of boys who had been killed in chimnies by being stifled since 1840. Here was another form of suffering in the shape of a fearful disease—exactly as stated in 1817. Here came in some sanitary results. It was well known to surgeons that sweeps were liable to a peculiar disease—a most painful and fatal complaint, consisting of a peculiar form of cancer, arising from the exposure to soot. Among the men it was

known as the "sooty wart," or "sooty cancer." One master said he had known eight or nine sweeps lose their lives by that disease. All that was confirmative of the evidence before Parliament in 1817 and 1818. And now, for the necessary result in their moral condition, take the language of the Commissioners—

"The concurrent testimony of all the witnesses proves that the climbing-boys are greatly neglected, and constitute, in fact, one of the most degraded classes of the community. The very nature of the employment itself, independently of bad treatment and neglect, tends to lower the character of those children; it is, in truth, unsuitable to a human being; and with all these painful facts before us we regard the moral debasement inseparable from the use of climbing-boys, as the worst effect of the violation of the law."

Then, in order to show the safe use of the machine, the Commissioners stated, on a calculation, that nearly two millions and a-half of flues in the metropolis were swept by it; and they concluded by adding—

"It is important to state, on evidence which cannot be controverted, that since the passing of the Act (1840), so far from fires caused by flues having increased in the metropolitan districts, they have proportionately diminished."

The Commissioners then quoted from a very instructive "Table," as they termed it, by Captain Shaw of the Fire-engine Establishment; and that had been confirmed by a note he (Lord Shaftesbury) had himself received from that excellent public servant—

"I consider," he wrote, "the system of climbing-boys most barbarous, and, from my special point of view, wholly unnecessary."

Now, he had given them but a sample of the atrocities perpetrated under this Satanic system. There were some far worse than those he had recorded; but the statement of them would be long, and he hoped unnecessary. What more could be required to produce conviction? But to show the needless cruelty and oppression of the system, he asked them to take these facts. He quoted the authority of architects and builders, who had in every stage, from 1773 to the present day, shown the safety and superiority of the machine, especially in the evidence of 1834 and 1840. Let them hear now the practical evidence, which was quite unanswerable. On London: Letter from Colonel Henderson to say that the inquiries of the police had not discovered a single climbing-boy in the whole metropolis with its four millions

of inhabitants. Glasgow: Letter from the Chief Constable to declare the system utterly extinct. Edinburgh: Letter from the Lord Provost to the same effect. From Stirling, Dumfries, Perth, Aberdeen, Ayr, Leicester, the evidence before the Commissioners was the same. From Paris, Lord Lyons wrote, on an official statement—

"The modern construction of chimneys admits the passage of a brush or machine. There is no law against the use of climbing-boys; but in consequence of such construction that mode of sweeping is becoming more and more rare, especially in Paris."

New York: Letter from General Schenck, to whose kindness he was much indebted—

"Chimney-sweeps, climbing-boys, under twenty-one years of age, were many years ago employed in New York, and perhaps (though I think not) in some of the large American towns, but the practice has gone quite into disuse, and the work is now done altogether by brush or other machinery."

He (the Earl of Shaftesbury) was, indeed, charged, a few years ago, by the American journals, with cruelty and inconsistency, for reviling American slavery, and yet permitting the practice of climbing boys. How then, and why then, it might be asked, was the Act so inoperative? First, said the reporters, the neglect of the sections in the several Acts, regulating the construction of chimneys, and especially the disinclination of householders to incur the expense of introducing "soot holes," as prescribed by the Acts; second, the want of efficient machinery for putting the Acts into operation; third, the disinclination of magistrates to convict. A large proportion, they said, of the public connived at or directly encouraged the employment of climbing-boys. Those feelings, the Commissioners observed, were not confined to the lower ranks of society, but were shared by noblemen, magistrates, and other individuals. Again, the police, as a rule, did not appear to have interfered, the enforcement of the law not having been deemed by them to be part of their duty, and, as Mr. Batten—a barrister engaged for the purpose, who made inquiries in 1873—added, because they knew that it would not be agreeable to the authorities—authorities, such as those in the cities of Liverpool and Bath, where the law was openly and systematically broken. In some instances, they stated,

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proofs of the infringement of the law had been demanded by the magistrates, which it was difficult or impossible for the prosecutor to furnish. Their Lordships ought now to hear Mr. Michael Brown. This evidence, by reason of the position of the witness, was of singular importance—

"I am a solicitor," he stated, "and coroner for the borough of Nottingham. Another cause," said the witness, "which no doubt contributes to encourage the use of boys is that magistrates seem unwilling to convict on such a charge, knowing in some cases that boys are used in their own houses."

He went on to say—

"I was present at the hearing of a case a few miles from Nottingham. It was proved that the sweep entered with a boy, and that a brush, not a machine, was seen put out of the top of the chimney. The boy was present, and apparently not more than nine or ten years old, but the Bench required the informant to produce strict proof of his age, refusing to assume that he was under 21."

Let their Lordships consider that. A lad of 10 years old, and the magistrate demanding legal proof that he was under 21! A plain denial of justice.

"The sweep," continued the witness, "was acquitted. But the impression left upon my mind, and I believe on that of others in Court, was, that the magistrates were unwilling to convict if they could avoid it, and it was mentioned in the justice-room, as a fact, that the presiding magistrate had in his own house flues which would not admit of the use of the machine, and that boys were used instead."

"I am convinced," wrote Mr. Lord, one of the sub-commissioners, "that, in very many country districts, and in towns also, the occupiers both of private dwellings and of places of business, wink at the practice of sending boys up their chimneys. Two very estimable gentlemen, magistrates of their county, have said to me very significantly, 'We prefer not to ask how our chimneys are swept.'"

And that was the example of obedience to the laws set to the poorer sort by wealthy corporations, great Lords, and high magistrates! But here, in contrast to all that, he would quote something of a higher order. The Commissioners said—

"Can we do better, in conclusion, than to recite the forcible language of the late Lord Cockburn, when passing sentence on a man who had been convicted, in 1840, for employing a child, who lost his life in a chimney at Glasgow:—'It was not only a scandal to the law to allow the sweeping of chimneys by children, but it was a deep disgrace on society to perpetuate the trade, society being, in point of fact, art and part in the commission of the inhumanity.' Lord Cockburn proceeded—'It was, indeed, monstrous to allow any child to be employed in such a way, and if the trade was but once put

down, it would be looked upon with so much horror that it would be difficult to convince the next generation that it had ever existed in a country claiming to be Christian.'"

But here came another, and a sad contrast. In the present year and in the year 1873 two cases of deaths by climbing were tried at Assizes—only two cases, no doubt, out of many—one of a boy killed at Cambridge, and another at Gateshead. In both cases the jury brought in verdicts of manslaughter. But no such sentiments as those expressed by Lord Cockburn were heard from the English Judges, and the inadequate sentence was inflicted in each case of six months' imprisonment with hard labour. It was not for him to talk about the administration of justice; but he had a right to say, and he did say, that he wished they had men like the Scotch Judges on their own judicial Bench. All he had stated had been confirmed by the testimony of Mr. Batten, a barrister, who gave last year his valuable services by travelling from place to place making inquiries and sending reports. He begged their Lordships to observe that he proposed no new law, but simply a mode of making the present one effectively. He simply proposed, according to the advice of the Commissioners, that no person should be allowed to carry on the trade of chimney-sweeper until he had received a licence for such from competent authority.

"Our assistant Commissioner, Mr. Longe," say they, "who has visited Glasgow, attaches great importance to this plan of licensing, and we are of opinion that it should be made a part of the duty of the police to carry the Act into operation."

The result, moreover, of many years' experience in Glasgow and Edinburgh proved the value of this regulation. It insured the observance of the law, and tended to raise the character of the mastersweeps, who wherever the machine was used, were always elevated in the scale of society. Such was the case that he had to lay before their Lordships, and it only remained for him to ask what argument could be assigned, what facts adduced, against the simple proposition he had submitted to their judgment? Might he in a few words recapitulate the grounds of his appeal? He had shown that for more than 100 years that horrible system had been known to the public; that no one could in honesty plead ignorance of it; that it had occu-

pied the attention of individuals and of Parliament, who had endeavoured at various times and in various ways to restrict and suppress it. But the effect had only been partial. He had shown the long succession of disgusting and unsurpassed physical and moral cruelties which had been inflicted, and which were still being inflicted, on children of the tenderest years. He had shown that the law had been inoperative in many places—nay, had been wilfully and systematically disobeyed through the hostility of the magistrates, both unpaid and stipendiary, through the indifference of the public, and the obstinacy, recklessness, or parsimony of corporations and private gentlemen. He had shown that the humane and wise regulations for the construction of flues, enacted so early as 1834, had been, with very few exceptions, utterly disregarded; while the wretched children were still tormented under the plea of necessity, which necessity would be obviated by obedience to the law. He had shown the superior efficiency and safety of the machine. He had urged, and without possibility of refutation, that there existed not in the whole Kingdom a single flue which might not, with a trouble and cost unworthy of mention, be made sweepable by mechanical appliances. He had pressed on their Lordships' remembrance that among many of the millions of England, Scotland, and America the vile system was unknown, not that it was never known, but that being known it was banished as hateful and unnecessary. He had done what he could, and would their Lordships do the same? Surely they would now—he said it with all respect—they would, as a part of the Imperial Parliament, now emphatically declare that their laws were passed to be obeyed, and not to be systematically broken; that their beneficent statutes should not be set aside by high or low, rich or poor; and that, as all rule and authority came from above, they would exercise them in the spirit in which they had received them, the very least as feeling their care, and the greatest as not exempt from their power.

*Moved, "That the Bill be now read 2<sup>d</sup>."*  
—(*The Earl of Shaftesbury.*)

EARL BEAUCHAMP said, he was sure their Lordships had listened with much interest to the very able statement

of the noble Earl, for nobody was so competent to deal with the subject as the noble Earl. Everybody must admit it to be a disgrace that such a state of things should continue to exist; and, therefore, he was sure their Lordships would gladly give a second reading to the Bill, in order to show their anxiety to co-operate with the noble Earl in his endeavours to do away with the evils which he had so forcibly described. But would the measure, so ably advocated by the noble Earl, produce the good results he anticipated from it? On this, and former occasions, the noble Earl had expressed his opinion that the existing law was fully sufficient if put in force, and that the continuance of those evils was due to magistrates not enforcing the Act of Parliament—the real difficulty was to put the law in motion. Now, he must confess that, if this were so, and he had the noble Earl's word for it, he did not see how that evil was to be remedied by superadding to the existing law further provisions as to registration or licences, which magistrates would refrain from enforcing just as they did the present law. He thought that one effectual means for accomplishing what the noble Earl and all their Lordships desired was, by calling attention to the continued existence of this horrible scandal among us;—and that much would be effected by such speeches as that just delivered by the noble Earl. He believed that a speech which the noble Earl had delivered in their Lordships' House before Easter on the subject had done a great deal of good, and he ventured to anticipate that the speech he had delivered that evening would do still more. Another means was, by sending circulars to the police in various parts of the country, requiring a more stringent enforcement of the existing law—for he certainly did not see how the present Bill could operate to produce greater vigilance on the part of the police, or greater vigour on the part of the magistrates. Their Lordships must have heard with satisfaction the statement of the noble Earl, that in this great metropolis, and in other very large towns, the practice of sweeping chimneys by climbing boys was extinct. He thought that was no mean result to have followed from the exertions of the noble Earl, and those who worked with him, in this

*Earl Beauchamp*

cause. For the reasons he had already stated, he did not expect much from the Bill—he thought much greater results would flow from the influence of public opinion—but he would vote with the noble Earl, and the Government would support the second reading.

LORD ABERDARE said, he did not differ very much from the noble Earl who had just spoken for the Government as to the results which might be expected from such appeals to public opinion as that made by the noble Earl who moved the second reading of this Bill; but, at the same time, the noble Earl had made so strong a case for the Bill, that he thought the House was bound to support him. He was disposed to think, however, that the noble Earl opposite (Earl Beauchamp) rather undervalued the probable effect of the system of licences proposed in the Bill. Licences had been enforced with good results in the case of other callings, and it might be expected that if chimney sweeps held a licence which could be revoked, they would be careful not to put in jeopardy their means of subsistence. He would suggest to the noble Earl who had charge of the Bill, whether the magistrates in Sessions would not be the best persons to issue the licences.

THE BISHOP OF LONDON was understood to suggest that it should be made obligatory on persons employing sweeps to see that the latter held licences under the Bill.

EARL FORTESCUE said, that the two great obstacles to the practical enforcement of the law were the indisposition of the magistrates to convict, and, consequently, of the police to act. Now, seeing what a large portion of the cost of the police of the country was paid out of the Imperial funds, the Government might put a pressure on the police to act against offending chimney sweepers, regardless of the feelings of magistrates, in at least bringing the cases before magistrates. He had very little fear but that the pressure of opinion which was sure to result from the harrowing statement made by the noble Earl who had charge of the Bill (the Earl of Shaftesbury) would compel magistrates to act when cases in which they ought to do so were brought before them.

Motion *agreed to*; Bill read 2<sup>a</sup> accordingly.



## ARTIZANS DWELLINGS BILL.

*(The Lord Steward.)*

(NO. 82.) SECOND READING.

Order of the Day for the Second Reading, read.

EARL BEAUCHAMP, in moving that the Bill be now read the second time, said, that though the practice had begun to prevail of constructing Bills without Preambles, yet the principles of the present measure would be found in the Preamble, the various propositions of which could scarcely be questioned. None of their Lordships would deny that—

“Various portions of many cities and boroughs were so built, and the buildings thereon were so densely inhabited, as to be highly injurious to the moral and physical welfare of the inhabitants;”

nor would any of their Lordships refuse their sanction to the further proposition that it was—

“Necessary for the public health that many houses, courts, and alleys should be pulled down and such portions of the said cities and boroughs be reconstructed.”

Having thus glanced at the Preamble, he thought it might be convenient if, in the first place, he went through the enacting portions of the Bill for the purpose of simply stating what it proposed. Clause 1 was merely a provision for giving a short title to the Act. Clause 2 described the districts to which the Act was to apply and the Local Authorities in those districts. It was to apply to the City of London and the Metropolis exclusive of the City of London; urban sanitary districts in England containing a population of 25,000 and upwards; and urban sanitary districts in Ireland containing a similar population. The “local authority” was to be as respecting the City of London the Commissioners of Sewers, as respected the Metropolis outside the City, the Metropolitan Board of Works, and in each urban sanitary district the urban sanitary authority of that district. He had the curiosity to ascertain the number of persons to whom the Act would apply exclusive of the inhabitants of the Metropolis and those of the City of London, and he found that it would apply to 5,400,000 souls. Their Lordships would see, therefore, that immense numbers of people would be affected by the provisions of the Bill now before them. Clause 3

provided that the Local Authority might make a scheme for improvement on being satisfied by an “official representation” of the unhealthiness of the district. Clause 4 provided that the “official representation” might be made by the medical officer of health of his own motion, or on the complaint of two justices of the peace, or of 12 ratepayers. Clause 5 described the requisites in the shape of maps, estimates, and particulars which should accompany the improvement scheme of a Local Authority. The Local Authority was to be invested with discretion as to the locality in which new dwellings were to be provided, and was not to be compelled to provide them within the area of demolition. One part of Clause 5 assumed increased importance when read in connection with Clause 8, which empowered the Local Authority to contract with the limited owner who was under restrictions as to his tenure. Another valuable portion of the Bill was that which diminished the costs of Parliamentary proceedings by employing the machinery of Provisional Orders. As to the execution of the scheme by the Local Authority—the Local Authority was, immediately on the scheme having received the confirmation of Parliament, to take steps for purchasing the land required, and for otherwise carrying out the scheme—they might sell or let any part of the land so purchased upon terms that would carry the scheme into execution; or they might engage with any companies or other bodies, to carry out the scheme upon such terms as they, the Local Authority, might think expedient; but they were not, without the express sanction of the confirming authority, to undertake themselves the execution of any part of the scheme—that was left to commercial or other enterprise. Hitherto it had been found by those who had directed special attention to the subject that the impediment to progress was the difficulty of acquiring sites and not the difficulty of providing funds; for some of the 16 associations or Companies of the Metropolis possessed more money than they had been able to devote to the objects for which they were formed. The Bill would not run counter to the principles of political economy, because interference with the inexorable laws of political economy must ultimately bring about much wider misery than would be temporarily caused by the existence of those

hard cases which, according to the proverb, produced bad law. The Bill left to private enterprize that which was no part of the business of either the State or the Local Authorities. Where, under the protection of the law, complicated tenures had grown up, it was no interference with the laws of political economy for the State to solve difficulties created by its own artificial action. The Bill was not a compulsory measure, and for the best of all reasons—if a Local Authority was really determined to do nothing, it would be difficult to coerce it by means of a Central Authority. He was unwilling to believe that the great municipal corporations of this country would, when called upon to deal with this subject, show such a want of public spirit as to allow such plague spots to remain within their jurisdiction as were proposed to be removed by this Bill. On this point he would refer their Lordships to what had been done by the Corporation of Liverpool in 1864, by the City of Glasgow in 1866, and by the City of Edinburgh in 1867 under their Improvement and Sanitary Acts. In Glasgow in one single improvement not fewer than 250 families were removed and found ready accommodation in the immediate neighbourhood. The information on the Table of the House as to what had been done by the three great municipal bodies of this country to which he had referred, showed that they were not insensible of the duties which were imposed on them, and that a large portion of the remaining municipalities would gladly accept the opportunity of putting into operation the machinery placed at their disposal by this Bill. The real difficulty with which they had to deal was not the density of the population, for while in the most dense part of London the average density was 235 per acre, and the actual density of the densest part of London was 410 human beings per acre, yet the number accommodated in some of the improved areas were not less than 1,100 souls per acre. The real evil was the unsuitability of the tenements. The problem was complex, the remedy simple. By an economic use of the space obtained, and the erection of more suitable dwellings, they might hope a very large area would remain for playgrounds for children, or for squares, or, what was not less impor-

*Earl Beauchamp*

tant in a sanitary point of view, for wide streets. At all events, there was no reason to fear that a very large space would not be available for housing the dispossessed population. London was not like Paris where the population was not indigenous but continually recruited from the country. In 1871, there were living in London of persons born there 2,055,576, so that their Lordships would see the importance of providing adequate condition of sanitary propriety for the rearing of the large number of children born in London; while for the whole of England and Wales the decennial increase of the rural population—1861-71—was 668,428, the increase of the urban population was 1,969,456. Parliament had not been forgetful of its duty in this respect, and from time to time various Acts had been passed dealing with the subject. He had before him a list of the Acts which had been passed; but up to the present time no comprehensive scheme of this kind had been initiated. One argument which was often used against the demolition of these houses was that it often drove the population into a worse state of things than before; but the detailed experience of Glasgow and Edinburgh gave a very different result. In fact, the working classes were always ready to avail themselves of the improved dwellings which were placed within their reach. Some valuable information had recently been placed on the Table with reference to the diminution of crime coincident with the improved dwellings of the lower classes. In Glasgow, in 1867, when the Improvement Trust commenced, the number of crimes reported was 10,899; whereas there had been, not a casual or sudden, but a continuous decrease, till in 1873 the number of crimes reported was only 7,869. Then, as to mortality. He had figures before him which showed the difference in this respect between two streets of Liverpool, one of which was properly ventilated and provided with sewers, and the other in a very defective sanitary condition. It appeared that while in the one street out of 100 children under one year only four died, no fewer than 50 died in the other. Again, whereas in the whole metropolitan area the ordinary death rate was 24 per 1,000, the death rate in the houses of the Metropolitan Associations for Providing Dwellings might be taken at 14.

Their Lordships would see in these figures how large a margin was left for improvement. It was useless to suppose that in providing suburban accommodation for the labouring classes they would find an adequate remedy for the evils complained of. It was essential to a large class of artizans that they should reside near their work. It was not only that time was lost if they lived in the suburbs—not only that they were separated all day from their families—but it was in many cases indispensable that the artizans should be always at hand; and therefore it was impossible that suburban dwellings should ever provide accommodation for that description of artizans. He hoped their Lordships would be of opinion that the time was come when a serious effort should be made in this matter. We had not only to make up for the neglect of the past, but to meet the growing demands of the future—for the population was increasing at an enormous rate, and it was estimated that between the years 1870 and 1880 no less than 3,000,000 souls would be added to the subjects of Her Majesty within these islands, of whom three-fourths would be deserters in towns. He had studiously refrained from drawing a sensational picture of the sufferings and horrors undergone in consequence of overcrowding. He appealed to their reason and justice. It must be remembered that we were no longer living under the conditions of a sparse and scattered population as in the reign of Queen Elizabeth, and that we must do what we could to retrieve past errors as well as to make provision for the future. He trusted that if this Bill, the second reading of which he now begged to move, were passed, a great deal would be done to regain for the toiling millions whom it would affect their due share of health and happiness and of life.

*Moved*, "That the Bill be now read 2<sup>d</sup>."—(*The Lord Steward.*)

THE EARL OF SHAFTESBURY\*: My Lords, Her Majesty's Government deserve our praise and gratitude for the Bill they have introduced. I admire the boldness and perseverance with which they have addressed themselves to this difficult question. They have done their best to master the difficulty; but they have not mastered it; nor will they do so, until after wide and pro-

tracted experience. The Bill, on a broad view of it, may be divided into two parts—demolition and re-construction. It may be, though the matter is doubtful, that the part affecting demolition is complete; I will assume, however, that it is so; but the more intricate part remains—and they will find that to cover with houses the large spaces, that shall have been laid bare, houses adapted in number and quality to the wants of the displaced population, will put their scheme very severely to the test. I cannot but think that the Government are over sanguine in their forecast of what will be effected by the Bill. It may ultimately produce great good; but the working of it will demand much thought and patience. It is true that there are very large areas in which great benefit will result to the community from the mere removal of the houses which now encumber them; but when they are removed, what is to be substituted? Now, look to the effects of demolition. Hundreds, indeed thousands, of families will be displaced; some for a time until the tenements shall have been re-built; but many permanently. Such was the case in the Westminster improvements—and for the population so disturbed provision must be made. It is stated, I know, in the Bill, that arrangements of this sort must accompany demolition; but the requirements of a clause and the fulfilment of those requirements are very different things, and oftentimes separated by a long interval. It is vain to rely on the ample notice that is to be given to the inhabitants. They do not, and they really cannot, give heed to it. Occupied, as they are, day by day and hour by hour, they think only of the present; and they cannot afford time or loss of wage to run about in quest of other dwellings. And so when the moment arrives for the levelling of the domiciles in which they reside, they are like persons possessed—perplexity and dismay are everywhere; the district has all the air of a town taken by assault. Then they rush into every hole where they can be received; some near, some very far off; though all struggle to be as close as possible to their former dwellings. Streets and houses, already overcrowded, become doubled in population. Every demand of health and decency is set aside; and people submit, by com-

pulsion, to the greatest moral and physical degradation. I need not multiply instances, though I could well do so. But all that I have stated was seen when New Oxford Street was constructed, and the St. Giles's rookeries destroyed; the masses in Church Lane—a district already seething with life—were, in consequence, increased two-fold. And in Westminster, to make room for Victoria Street and other handsome improvements, a nation of men, women, and children was driven out; many of the old ones went into the workhouse, and never escaped from it; many fled across the water, suffering great privations, until they had formed new connections of work; and many pressed into the swarming rooms of the neighbourhood, the landlord, in numberless instances, where the poor inhabitants had two rooms, taking from them one, and then forcing them to pay for the single as much as they had paid for the double apartment. Now, I would not have spoken on the present occasion had not the subject before us been one on which I have been engaged ever since 1843; one to which I have devoted a great deal of time and attention; and yet I am no nearer the solution of the problem than when I began it. I mention all this to show the necessity of much care and circumspection in your preliminary operations. My noble Friend has said, and very truly, that the labourer must in many cases reside near his work. That is exactly the point I am insisting on. It is so, even with several classes of the skilled artizans. Take, for example, the watchmakers of Clerkenwell. They must live near together, because, as no one of them is rich enough to possess a complete set of tools for his minute and delicate business, they borrow of each other; a mutual service that could not be rendered were they far apart. And I concur again with my noble Friend that suburban dwellings will not give the full remedy we seek—they will furnish but a part of it—nevertheless, if taste and preference lie that way, these tastes should be encouraged. But now, my Lords, let us think of re-construction—we must not, on commencing so vast a work, rely on what is ordinarily called philanthropy. It must be a commercial enterprize; and with that view we must have recourse to the building capitalists. Now such experience as I have leads me

to believe that few of them would undertake a work like that with less than a fair prospect of 10 per cent on the outlay. But here the promoters and the contractors will be at variance. The promoters will of course desire accommodation for the classes temporarily displaced; but the contractors will seek to erect houses which will bear the highest rent by being adapted to the richer order of skilled artizans. At once, then, will arise the difficulty. The large proportion of the labouring people in the metropolis are not of the skilled class, but of the inferior order of labourers who live by casual and irregular duty, without any definite or constant employment, and, consequently, unable to afford sufficient house-room for themselves and their families. Here is a sample, and a sample only, from the Report of the Charity Organization Society on the dwellings of this class—

“In St. Giles's, about 3,000 families have only one room, exclusive of about 2,000 persons living in common lodging-houses; and in Holborn, out of a population of 44,809 persons, about 8,000 families are in single rooms.”

I may just, in passing, show the sanitary results of such things.

“The average mortality,” the Report adds, “in the worst streets in St. Giles's varies from about 40 to 60 per 1,000 persons living, and that in the worst parts of Whitechapel averages 40 per 1,000, while that of all London for the year 1872 was only 21·4.”

Now, must we not infer from this statement that if two parishes alone present such a mass, the whole aggregate of London must present something almost intolerable? And yet these are the classes for which you are to provide sufficient and proper abodes. My noble Friend has said that the experiment has already been tried in Glasgow, and with success. He says that some 250 families were removed, and that they found ample accommodation in the immediate neighbourhood. Now, in the first place, I remember a saying of Mr. Canning's, that “nothing was so fallacious as figures, except facts;” but I must also observe that an experiment made on 250 families is widely different from one to be made on some thousands; and we must also ask what was the precise class of the parties removed, and we must consider, moreover, the distinctive peculiarities of the Scotch and English character. But when my noble Friend makes his calculations as to the possi-

*The Earl of Shaftesbury*



bility of erecting cheap tenements for the poorer sort, he must remember that the cost of buildings already erected and the rent put upon them do not furnish a proof that similar results may be attained in the present day. The price of material is higher than it was; and the rate of wages in the building trade is so advanced, that, in order to make a remunerative profit, a much heavier weekly payment must be imposed on the occupier of apartments, whether they be constructed on the separate or the block system. Well, what are we to do? Are we to construct a vast number of single rooms in order to meet the means of these poor people, or are we to build houses according to our new sanitary requirements? If we re-construct single rooms we shall maintain a most indecent and most immoral state of things; if, on the other hand, we do not, rents will be raised so high that it will be perfectly impossible for the people to bear the demands that will be made upon them. I am speaking now of labourers who have no regular work of any kind, and not of skilled artizans. These men live from hand to mouth, and have to take work as it comes, just at the moment. At the docks, for instance, men may be seen standing in single file, 40 or 50 deep. There they remain for hours in the hope of getting work; and were they not on the spot they would stand no chance of being employed. The earnings of these men, whose employment is dependent on the wind and the arrival of the ships, are extremely small. When there is plenty of work they make about 17s. a-week, but taking the average throughout the year their earnings in the aggregate do not exceed 9s. 9d. a-week. Then, as to their abodes; some single rooms are let for 2s. 6d. and 3s. 6d. a-week, but there are some of these people who pay as much as 4s. 6d. a-week for a single apartment. You must remember, too, that although the wages of skilled artizans and those who have fixed labour have risen very considerably, the earnings of the class I have been alluding to have not perceptibly increased, owing partly to the nature of the work and partly to the great influx of people from the country every year. Now I must repeat that, unless we re-construct dwellings adapted to their means, great injury will be inflicted on the people who are displaced. Yet

there is one form of remedy well worthy of consideration. We can adapt, drain, and ventilate old tenements, courts, alleys, and *culs-de-sac* at a far less outlay than is required to construct anything new. The Society with which I am connected—the Labourers' Friend Society—has made, and successfully made, such efforts on a pretty large scale. We began it some years ago; and since that time the plan has been pursued, and with very good results, by an energetic lady, Miss Octavia Hill. Let me show your Lordships some of the happy results. Take, for instance, Tyndall's Buildings, in Gray's Inn Road. We got possession of this court, and renovated it at a cost of £2,699 19s. 11d. Well, on an average of seven years, from 1864 to 1870, the return has been 5½ per cent. It contains 87 rooms for families; and your Lordships will bear in mind that the inhabitants are of the poorest class of labourers, mostly Irish, who cannot afford to pay more than from 1s. up to 2s. for their week's lodging. This court I had long coveted, for it was filthy, miserable, and disorderly beyond all precedent. Fever was never absent; and I can answer, from personal inspection, that I, at least, have not descriptive power enough to say what it was physically and morally. Nevertheless, we had courage for the work, and the issue had better be stated in the words of two authorities of some value in the district. The medical officer reported that fever was now unknown in that locality; and the police-constable, who for a long time had been acquainted with the wretched place, assured me that while formerly the police always went down the court by couples, they had now seldom occasion to go there at all. Similar statements may be made in respect of Wild Court, near Drury Lane. It contains 100 rooms for families, which families are also mostly Irish. It was renovated at an outlay of £3,364 19s. 11d., with an average percentage of 4½. I may add, without going into details, the like results have been obtained in Clarke's Buildings, in St. Giles's-in-the-fields. Now, I venture to suggest this plan—it is, unquestionably, worthy of consideration, as a partial, not as a complete, remedy. Surely, in every area where there is to be a wide demolition, some of the best buildings might be reserved for improvements and adaptation,

the only mode whereby we shall be able, at least so far as we know at present, to better the domiciliary condition of the great bulk of the labouring classes. But whatever be the determination of higher powers, I will venture to express a hope that all will be done with care, circumspection, and, above all, not in haste. If the clearances be gradual, it will be far more easy to make provision, temporary or permanent, for those who are driven out. I have been much among the people in such circumstances; and I know what they suffer; and I know, too, how they bear it. I have often heard the language of complaint and sorrow; but never of sedition or revenge. The law thus carried into effect may, by God's blessing, do much good; and my noble Friend may take this assurance to his heart—*His brevibus principiis via sternitur ad majora*.

LORD ABERDARE, in supporting the Bill, said, the noble Earl had referred to the vigorous way in which Liverpool and Glasgow had grappled with the evils of bad house accommodation, and he (Lord Aberdare) asked why similar improvements should not be effected in London? The Bill, no doubt, placed the responsibility on the Local Authorities of the various districts—but if these were competent to perform these functions, why should not London, which possessed such large powers of self-government, be able to effect as much as Glasgow? He believed that since 1870 upwards of 3,000 miserable dwellings, containing 15,000 more miserable inhabitants, had been pulled down in Glasgow, and within the same time a sufficient number of new houses built to accommodate the working classes, as well as to meet the increase of the general population. The noble Lord who introduced the Bill (Earl Beauchamp) had touched but slightly on the diminution of the crime in connection with this subject; but the noble Earl did not refer to the improvement in the health and morals which must result from these alterations. He (Lord Aberdare) believed that a very great diminution of crime would result from such improvements as were contemplated by this Bill. Since the improvements made in house accommodation in Glasgow the number of crimes there had decreased from 10,899 to 7,869. That was an answer to the argument that the pulling down

of miserable dwellings occupied by the poor would propagate evil and spread it over a larger area. He thought that power should be given by the Bill to exchange land occupied by bad dwellings for other land wherever such change would be to the interest of a locality. He cordially supported the principle of the Bill.

LORD NAPIER AND ETTRICK said, there was no greater obstacle to the health, the purity, the culture, and vigour of the labouring population than the bad condition of the dwellings in which many of that class lived—he believed it would be found that the morality of a population was on a par with the condition of their dwellings. Her Majesty's Government had therefore in every respect done a wise and useful thing in introducing the present measure to Parliament, and they had done so without the impulsion of any agitation; but solely for the object which recommended itself to their consideration—the necessity of improving the dwellings of the working classes and the poor. The necessity for such a Bill had been long advocated by persons who were identified with questions of the kind, but it was a matter which the Government of the day might have allowed to hang over for an indefinite period; and, as it dealt with questions of property, and was therefore a matter of some delicacy, there was a strong temptation to let it drift. And it was certainly a little remarkable that the class which was to be most benefited by the Bill had shown so little interest in it. Having given his opinion as to the value of the measure, he thought he was justified in making some criticism upon its main features—namely, the ground on which it proceeded, the agencies it employed, and the powers it conferred upon them. The ground on which it proceeded was that it was absolutely necessary, not only upon sanitary but upon moral grounds, that some such measure should be passed; but he regretted to say that having just mentioned the word "moral" in the Preamble the Bill made no further mention of it. There were in many of the large cities and towns localities which were the resorts of the vicious and criminal classes, and which ought on that ground to be swept away, but which, being perfectly healthy, could not be touched under the provisions of the Bill.

*The Earl of Shaftesbury*

With regard to the agencies which were to be employed in carrying out the provisions of the Bill, he found that the proposals were various. In the case of the metropolis, Petitions for the confirmation of schemes were to be presented to a Secretary of State, but the Petitions of urban sanitary authorities were to be dealt with by the Local Government Board. On the whole, he thought it would be better if the Local Government Board had been chosen as the confirming authority in London as well as in the provinces. Before this Bill was introduced, local authorities possessed power to demolish insanitary property, but not to make a useful appropriation of the site, and the exercise of that power in some cases would have intensified the evil it was intended to mitigate. This Bill gave all the necessary supplementary powers with which a public body could properly be intrusted. But what he objected to was that after a scheme had been made by the Local Authority, and after that scheme had been confirmed by the confirming Authority named in the Bill, it was quite optional on the part of the Local Authority to take proceedings or not towards removing buildings. This could not be for fear of investing the confirming Authority with arbitrary power, because at present if a Local Authority neglected its duty, the Local Government Board could coerce or do what was necessary and raise the money by rating the locality. Why, then, should the superior Authority be left so impotent in this case? It ought to submit a report to the Local Authority for its remarks, and if the Local Authority failed to satisfy the confirming Authority, that ought to be invested with power to order a scheme to be carried out. The hardship would be far less in this case than in reference to water supply and drainage, because in those cases it was an administrative Authority that overrode an elective authority, while in this case nothing could be done without the sanction of Parliament. The Bill also provided that there should be a distinction made with regard to London and the country; and that while in London the Home Secretary was to be the confirming Authority, with respect to provincial towns it was to be the Local Government Board. He did not see any reason for putting the metropolis into a dif-

ferent position from that of any other town, and he thought the distinction was an invidious one. Nothing could exceed the extent of the powers now given to Local Authorities, either under application for private Bills or for public works. Unfortunately, while they had these extensive powers, they were inert and refused to act. He thought that it would be wise in the Government to amend the Bill in one respect. At present the Local Authority would only have power to make a report, which might be acted upon or not; but, in his opinion, they ought to be required, in the event of the confirmation of their report, to carry it into execution. He did not think the apprehensions of the noble Earl (the Earl of Shaftesbury) as to capital always requiring the incentive of 10 or 15 per cent were at all well founded, for experience had shown that companies and associations had no difficulty in attracting capital, the owners of which were satisfied with 4 or 5 per cent. The three principal building companies in London paid 4½, 3, and 5 per cent respectively. The Peabody Trust did not pay more than 3½, but it was conducted on charitable rather than commercial principles; and, if the property were to be sold by auction, it would probably sell to realize 4 or 5 per cent. In a country in which capital accumulated so rapidly, it would be better that it should be employed in these undertakings than that it should be squandered, as it lately had been, upon foreign loans.

*Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Thursday the 3<sup>rd</sup> of June next.*

#### REGIMENTAL EXCHANGES BILL.

*(The Lord President.)*

(NO. 44.) COMMITTEE.

House in Committee (according to Order).

LORD SANDHURST: My Lords, in consequence of what I have heard since I made some remarks in this House on Friday evening, I find that a misapprehension exists in the public mind in regard to the intention of those remarks, and I am anxious to make a short explanation. In the first place, it is said that I was making an attack on the administration of the Army; and, in

the second place, it is said that I had reflected on the honour of some of the officers of the Army. I am happy that these circumstances have been brought to my notice, because I am able to refute in the most direct manner both imputations. In the first place, with regard to the administration of the Army, what I said was this—that it appeared to me to be inconsistent with security that the execution of a very important measure should rest on the responsibility of one individual, and that it should be declared that solely according to the opinion of that individual we should be guided in estimating what might be the state of the Army hereafter. I illustrated my point by referring to the administration of the Army when it was conducted by the Duke of Wellington, and it appeared to me that if abuses arose under the administration of such authority as that—for the practice of the Army under that administration was analogous to the practice introduced by the Bill about to become law—I do say that the illustration I used was sufficient for my point, while at the same time it shows how very far it was from my mind to attack the administration of the Army. What was the illustration? It was this—When I was a young man, in 1844, my regiment was ordered to India. Under these circumstances, exchanges were very freely permitted under the orders of the Duke of Wellington. The other night I spoke from memory; but I have since exactly verified the facts, and I find that on that occasion four new captains joined the regiment under the process of exchange, and five subaltern officers. I think there was a sixth, but owing to the promotions in the regiment, I do not exactly remember. That appears to me to be a great number of exchanges, and the effect on the regiment, as I stated, was very serious. What were the circumstances of the country and of the Army at that period? In July and August, 1844, it was deemed necessary by the Government of this country, at the requisition of the Government of India, to send three battalions of Infantry to re-inforce the Army of India. In those days three battalions, numbering upwards of 3,000 men, was a very large re-inforcement of the British Army in India. What was the reason? The reason was, that Maharajah Runjeet Singh had lately died, there was a mu-

*Lord Sandhurst*

tiny in his army, our frontier was threatened, and there was danger of war. Therefore, the Army was re-inforced. But the circumstances were not known to the public—and I beg your Lordships' attention to this. Although, of course, present to the minds of the authorities, they were not known to the regimental officers, who embarked completely according to the rights and privileges offered them and consistently with the rules of the Army as understood in those days—a system bearing a very close analogy to what will be introduced by this Bill. When I stated these facts, I beg your Lordships to understand that there was no reflection, direct or indirect—no insinuation against the honour of those gentlemen with whom it was my great privilege to be associated in early life, and the survivors of whom are among my dearest friends. I will, therefore, take this opportunity of asking the noble Duke opposite (the Duke of Richmond) not to consider that he has a monopoly of regard for the honour of the officers of the British Army. Let me beg of him to recollect that there are others who feel as keenly as he does in this matter, and old officer as I am—having served, with a very brief interval of time passed in diplomatic employment, during 40 years—I venture to think that the honour of the Army, the honour of its officers, and the discipline of its regiments, are at least as dear to me as to the noble Duke opposite. We on this side have sought to introduce improvements into the system of the Army; I do not wish to exaggerate their importance, but I am confident we have appealed to a higher motive—we have sought to inculcate the principle of duty, while perhaps we have disregarded that of private interest; but at least it cannot be said that we have been regardless of the honour and interests of the Army.

THE DUKE OF RICHMOND: My Lords, as the noble Lord has alluded so directly to me, your Lordships will, I am sure, allow me to make a very few remarks after what has fallen from him. The noble Lord takes me to task in a manner which would lead your Lordships to believe that I assumed the monopoly of regard for the honour of the Army. My Lords, I have never attempted to monopolize such a feeling or to say that I had a right to do so; but in common



with your Lordships, I have a right to feel very keenly for everything connected with the Army. I have every right to have a strong feeling of regard for the Army, for my own father fought and bled with the Duke of Wellington: my grandfather, also, was engaged in the Battle of Waterloo, and I have many relatives and intimate friends in various ranks and grades of the Army. Therefore, I say I have a perfect right to feel keenly everything that is said about the Army; and because the other evening the noble Lord made remarks in connection with the Army, and the officers of the Army, which I did not think altogether well-founded, I took the liberty of asking him the question which I am extremely glad I put to him, because it has enabled him to give your Lordships the version he has now offered of the meaning of the remarks which he made on that occasion. I will venture to remind him of what he said; and I think your Lordships will see that, at all events, the mode in which he addressed the House on that occasion was such as might give rise to the impression among those who heard him that he spoke in no very respectful terms of the particular regiment in which he was a captain. I accept his explanation to-night, that he did not intend to say anything disrespectful of his own regiment; but, with your Lordships' permission, I will read the very few words which fell from him the other night. He stated that on the occasion to which he referred very great inconvenience arose from the system of exchanges. He said—

"When he was a young man, a captain in a Line regiment, what happened? It was a time when the saying was 'That officers must either sell or sail.' . . . At the very time they were about to sail, 10 young officers walked into the harbour in the place of 10 officers who exchanged—four captains and six subalterns."—[3 *Hansard*, ccxxiv. 252.]

He said—

"Their Lordships might judge of the disorganization which existed in that regiment for many months afterwards. That occurred under the great Duke of Wellington. He was talking of the year 1844, when war was threatening in India. The regiment to which he belonged, within a few months after its landing, found itself in the presence of the enemy—those 10 officers had actually exchanged from a regiment which, in a brief period, was engaged on the frontiers of India."—[*Ibid.*]

What the noble Lord has said now is that these officers profited by the system

of exchanges which was permitted, and that none of them had any notion they would be brought very shortly after their arrival in India in face of the enemy. He says it was well known that this system of exchanges had demoralized the regiment. But if those officers in England could not know anything that was likely to happen in India, then the system of exchanges could not be complained of; and if it had demoralized the regiment, I think the noble Lord will admit the demoralization lasted but a very short period, and that by the time they got to India there was very little demoralization left, if we may judge from what occurred in that regiment at that time. The noble Lord talked as if we were then in a state of warfare in India. It was not so. In the beginning of 1844 Lord Ellenborough was recalled; and the father of my noble Friend the noble Viscount (Viscount Hardinge) behind me went out in June. It was not for 19 months afterwards that there was anything like an engagement with the enemy.

VISCOUNT HARDINGE: In the summer of 1845 the first battle was fought.

THE DUKE OF RICHMOND: That was in consequence of an aggression from the Sikhs. The noble Lord may contradict me if he is able; but I do not think there is anything in the history of that time which would indicate that we were then under the impression that we were likely to be engaged in warfare. What, then, do the noble Lord's remarks come to? To this—that in 1844, when there was no war imminent in India—when, in point of fact, war did not break out until 19 months afterwards, when there is nothing in history to show that the authorities of this country had the smallest idea that they were to be engaged in war—10 officers exchanged out of the regiment in a legitimate manner—for the noble Lord says so to-night—their places were filled by others, and the regiment went to India. And the noble Lord has not adduced an instance of another regiment going to India in which the same thing occurred. It can, therefore, be only a very exceptional case in which such a number of officers did exchange at that period. Now, what would have happened if the arrangements of the noble Viscount opposite (Viscount Cardwell) had then been in existence? Exactly

the same thing might have happened. Supposing the arrangements of the noble Viscount to have been in operation in 1844, what was there to prevent the officers from exchanging? No doubt, the number was exceptional. I think such a thing is not likely to happen under the present system and the present *régime*, and therefore I hold that the noble Lord laid a great foundation for the view which was taken of his remarks—not only in this House, but by persons out-of-doors, who, probably, spoke to him on the subject. But after having dealt with this particular case—and I may be permitted to say that in doing so he spoke in very disparaging terms of military men in general—the noble Lord went on to say—

“He was only too well able to confirm what had been stated so emphatically by Lord Clyde when he deplored the facilities given to officers to exchange when they were in dangerous foreign climates. If there was one thing which destroyed discipline more than another, it was when a regiment was on a distant frontier, when perhaps every third man was down, and when officers left their men to sicken while they sought healthier or more comfortable quarters. Were not such officers open to the same imputation as though they were actually guilty of misconduct?”—[*Ibid.*]

I say that is a libel on the officers of the Army. And what did the noble Lord go on to say? That “he did not mean to say that such things occurred.” Well, then, if he did not, he had much better not have mentioned them; because, if they do not occur, his words mean nothing; and, if they do occur, I maintain that the noble Lord is bound to prove what I call a libel on the British Army. My Lords, I am sorry I have been obliged to trouble you on this subject; but having been so pointedly alluded to—the noble Lord having spoken of my claiming the monopoly of supporting the honour of the Army—I felt called upon to make these observations. I shall say no more at present except this—that I do not think the noble Lord’s remarks on that occasion were such as I should have expected from a General Officer on full pay and holding a very high command.

EARL GRANVILLE: I rise for the purpose of expressing a hope that it may not be necessary to prolong this discussion. If the noble Lord (Lord Sandhurst) found that the impression had got abroad that he had attacked the

*The Duke of Richmond*

honour of the officers and the present administration of the Army under the illustrious Duke, he had a right to take the first opportunity of clearing himself of that imputation, and, as a gallant and distinguished Officer, of disclaiming any intention of that character. I do not deny that the noble Duke had a right to reply to the imputation which he supposed had been made of claiming a monopoly of defending the honour of the British Army. But what I believe to be the case is this—we are all equally alive to the honour of the British Army, and that it is perfectly possible, while discussing those passing changes which relate to the discipline and future of the Army, to use arguments to show that one change is more beneficial than another for that discipline and that future, without exposing oneself to the slightest imputation of implying that feelings of dishonour influence the British Army, and without casting upon it one word of censure.

Bill reported, without amendment; and to be read 3<sup>a</sup> on *Thursday* next.

House adjourned at half past Eight o’clock, to *Thursday* next, Twelve o’clock.

## HOUSE OF COMMONS,

*Tuesday, 11th May, 1875.*

MINUTES.]—PUBLIC BILLS—*Second Reading*—Bishopric of Saint Albans [95].  
Committee—Sale of Food and Drugs (*re-comm.*) [168]—R.P.  
*Third Reading*—Peace Preservation (Ireland) [154]; Offences against the Person [131], and passed.

The House met at Two of the clock.

### CONTROVERTED ELECTIONS—CITY OF NORWICH.

MR. SPEAKER informed the House, that he had received from Mr. Justice Lush, one of the Judges on the rota for the Trial of Election Petitions, a Certificate and Report relating to the Election for the City of Norwich. And the same were read.

### METROPOLIS—MUSICAL PERFORMANCES ON GOOD FRIDAY—THE LORD CHAMBERLAIN’S LICENCES.

#### QUESTION.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department,

Whether his attention has been called to the prohibition by the Lord Chamberlain of the performance of sacred music in the theatres on Good Friday last; whether he can state to the House the reasons for this change in practice; and, whether the Government propose to take any steps, by legislation or otherwise, to prevent in future such interference with the enjoyments of the people?

MR. ASSHETON CROSS, in reply, said, the Lord Chamberlain's power with respect to performances of any kind, whether secular or sacred, on Good Fridays were defined by 6 & 7 Vict. c. 68, and the licences for music were granted by the Justices under 25 Geo. II. c. 36. The Lord Chamberlain had made no change whatever in practice with regard to the issue of licences for stage plays. The following days had always been excepted from such licences:—Ash Wednesday, Good Friday, Christmas Day, and Sundays. On these days theatres were unlicensed houses, and no performances for hire could lawfully be given within them, nor could the Lord Chamberlain grant a licence for performances in theatres on those days. If at any time there had been such performances, they had been given without his sanction or assent. There was no necessity for any fresh legislation for licensing music-halls and concert-rooms for the performance of music, as the magistrates had the power, if they thought fit to exercise it, excepting on Sundays.

MR. P. A. TAYLOR: Do the Government intend to take any step in the matter?

MR. ASSHETON CROSS: No.

#### ADULTERATION OF FOOD ACT— ADULTERATION OF BEER.—QUESTION.

MR. STAVELEY HILL asked the Secretary of State for the Home Department, If his attention has been called to a case before a stipendiary magistrate at Stoke upon Trent, of a charge against a publican of selling beer adulterated with salt, in which it seems to have been taken for granted that the allowance for the presence of salt in beer of any strength is limited to fifty grains per imperial gallon; and, whether there is any such limit at present in force, either by statute or otherwise?

MR. ASSHETON CROSS, in reply, said, there was a Schedule to the Act of 1872 which expressly stated that salt was an article of adulteration when used in beer. By the Act of 1874 that Schedule was abolished, and now the question of adulteration, even with salt, came under the general law with reference to the adulteration of drink and food. There was no statutory or judicial interpretation as to the quantity of salt which would necessarily adulterate beer. One of his predecessors in office was in communication some time ago with the Inland Revenue on the subject, and his decision seemed to have been this:—He wrote to the Inland Revenue stating that where the amount of salt in beer did not exceed a fixed quantity—say 50 grains per gallon—the Inland Revenue need not inquire whether such quantity had or had not been artificially added. In the case referred to, he was informed by the magistrates that the London analyst had found the quantity of salt used in the beer to have been 136 grains per gallon.

#### RAILWAY PASSENGER DUTY. QUESTION.

MR. RODWELL asked Mr. Chancellor of the Exchequer, Whether he can inform the House as to the amount he expects to receive, during the present financial year, from the Railway Passenger Duty?

THE CHANCELLOR OF THE EXCHEQUER: £700,000, Sir.

#### COUNCIL OF MEDICAL EDUCATION— MEDICAL DIPLOMAS.—QUESTION.

MR. WADDY asked the Vice President of the Committee of Council on Education, If the Government has any information from the Medical Council of the success of attempts on the part of the medical examining bodies in the three divisions of the kingdom to form conjoint boards for giving diplomas that shall constitute a complete qualification in all branches of the medical art; and, if the Government, in the event of its not receiving or of not having yet received satisfactory information, is likely to bring in a Bill, or otherwise initiate legislation, with a view to remedy the present system of half-qualifications by nineteen competing bodies?

VISCOUNT SANDON: Sir, we have no official information from the Medical Council on the subject of the hon. Gentleman's Question; but I have reason to believe that attempts are still being made to form conjoint Boards for giving diplomas that shall constitute a complete qualification in all branches of medical art. How far these attempts may be successful we cannot yet say; but I may point to the Society of Apothecaries Act of last Session, and to the Bill respecting the College of Surgeons now before the House, as proofs that the matter is not being left alone by the medical bodies. The attention of Government has only quite recently been called to this subject, which is a very large and complicated one. I am not prepared, therefore, at present to state the views of Her Majesty's Government respecting further legislation.

#### GERMANY AND FRANCE.

##### QUESTION.

SIR CHARLES W. DILKE: By a printer's error the Question I am about to ask is not on the Paper. I beg to ask the Under Secretary of State for Foreign Affairs, Whether he is in a position to make any re-assuring statement to the House with reference to the recent alarm as to the relations of France and Germany?

MR. BOURKE: Sir, I may take the opportunity of stating that I have just now laid upon the Table of the House the Correspondence that has passed between the Governments of Germany and Belgium. In answer to the Question of the hon. Baronet, I am happy to say that Her Majesty's Government has this morning received from Berlin assurances of a thoroughly satisfactory character, and we are of opinion that there is no further cause for apprehension as to the maintenance of European peace.

#### SALMON FISHERY ACT, 1873— THE SEVERN DISTRICT.

##### QUESTION.

MR. CLIVE asked the Secretary of State for the Home Department, Whether two inquiries at the public cost into the Bye-laws of the Severn District have been granted, and what other similar inquiries have been held at the public cost; whether an inquiry into the Bye-laws of the Wye District, made in 1874,

was refused at the public cost; whether any inquiry has been held into the Wye Bye-laws, and what has been the result; whether he will lay upon the Table Copies of the Correspondence which has passed between the Home Office and the Conservators of the Wye District; and, of the Reports of the Inspectors of Salmon Fisheries relating to the Wye Bye-laws?

MR. ASSHETON CROSS, in reply, said, that there had been two inquiries at the public cost—the first related to the size of the mesh to be used in fishing with nets; the second as to the use of nets for other fish than salmon. There had also been an inquiry in 1873, before the passing of the Fishery Act, at the public expense, and in the preceding year there had been a public inquiry into the general question. As to the Correspondence, he had no objection to lay a Copy of it on the Table, except that it happened to be very bulky, and he could not consent to produce only part of the Correspondence. He would lay the whole of it on the Table if the hon. Member moved for it.

MR. CLIVE said, in that case he should move for the whole of the Correspondence on the subject.

#### ARMY—ADJUTANTS OF MILITIA.

##### QUESTION.

MR. HEYGATE asked the Secretary of State for War, Whether, in the event of an Adjutant of Militia signifying his intention of retiring before the 1st of October 1875, such retirement would be carried out at once; or, would he be permitted to remain, provided the brigade dépôt was not formed, and he was recommended by his commanding officer and the Colonel of the Brigade Dépôt to be retained until the dépôt was formed.

MR. GATHORNE HARDY, in reply, said, that under the circumstances stated the adjutant would not be permitted to remain until the brigade dépôt was formed, but his retirement would be carried out as soon as his successor could be conveniently appointed. Perhaps he might be permitted to explain a statement he had made yesterday in reply to the hon. and gallant Member for South Ayrshire (Colonel Alexander), the purport of which appeared to have been somewhat misapprehended. The hon.



and gallant Member had asked him whether adjutants of Militia regiments who decline to avail themselves of the new retirement scheme would be required, as the alternative, to perform the duties of adjutants to brigade dépôts at the head-quarters of the sub-district? To that Question he had replied that the adjutants of Militia who declined to avail themselves of the new retirement scheme would be required to perform all military duty the same as other officers belonging to the brigade dépôt, and that the appointment of adjutants to a brigade dépôt did not exist under present regulations.

**CRIMINAL LAW—THE CONVICT CASTRO OR ORTON.—QUESTION.**

MR. WHALLEY asked the Secretary of State for the Home Department, with reference to a letter in the "Morning Advertiser" of the 10th instant, purporting to come from the Tichborne Claimant, and stating that he was suffering from insufficiency of food and otherwise, and had been unable to get requisite food and medicine, Whether he has received any report from the authorities at Dartmoor as to the state of this convict; and, if so, whether he will inform the House thereon, and whether he will institute inquiry as to the statements contained in the said letter? The hon. Gentleman said, with the permission of the House he would read the letter to which he referred. ["No, no!"] He would appeal to the right hon. Gentleman in the Chair whether he should not be in Order in reading the letter, the substance of which he had not set forth so fully in his Question as was desirable. He could vouch for the authenticity of the letter, from which he would only read such extracts as would render his Question intelligible.

MR. SPEAKER: The reading of the letter cannot be necessary to make the Question of the hon. Member intelligible or to elicit the information he requires.

MR. ASSHETON CROSS: Sir, I have seen the letter which purports to have come from the prisoner Thomas Castro, or whatever name the hon. Member chooses to designate him by, but my information is to the following effect:—The prisoner has fallen off considerably in weight since his conviction. This was naturally to be expected. The medical officer at Dartmoor states that the prisoner's weight is now of a healthy

standard for a man of his frame, although the reduction in weight had occurred somewhat too rapidly. The prisoner on the directors' last visit complained of mental and bodily suffering from the cold, but he made no complaint of insufficiency of food. The medical officer reported that he was now watching him carefully, but did not make any immediate recommendation. In case he does so his report will receive attention. There is no restriction whatever as to the supply of the medicine and food the medical officer thinks necessary to prescribe. The only recommendation the medical officer has made is in regard to a slight change in diet, and the prisoner has also been ordered rather more outdoor exercise than the other prisoners.

**INDIA—BRITISH BURMA AND WESTERN CHINA.—QUESTION.**

MR. SAMPSON LLOYD asked the Under Secretary of State for India, Whether he has any objection to lay upon the Table of the House Copies of all Correspondence respecting Trade between British Burma and Western China since 17th February 1873, between the Secretary of State for India and the Governor General of India, between the latter and the Chief Commissioner and Political Agent of British Burma, between the said Chief Commissioner and his Agents at Mandalay and Bhamo, between [the Mandalay Agent and the Government of Burma, and between the Governor General of India and Her Majesty's Minister at Peking (in continuation of Parliamentary Paper, "Rangoon and Western China," No. 258, of Session 1873)?

LORD GEORGE HAMILTON, in reply, said, that he proposed shortly to lay upon the Table Papers giving the reason for the despatch of the expedition from British Burma to Western China, and also giving an account of the attack made upon the party. He thought that the Papers would include nearly all the Correspondence to which the hon. Member alluded.

**THE JURY SYSTEM OF IRELAND—LEGISLATION.—QUESTION.**

SIR ARTHUR GUINNESS asked the Chief Secretary for Ireland, If it is his intention to introduce a Bill for the improvement of the Jury System of Ireland

during this Session; and, if so, at what date?

SIR MICHAEL HICKS-BEACH, in reply, said, he was fully aware of the necessity for legislation upon this subject. For some months past a Bill had been drafted which was intended to carry out the recommendations of the Select Committee of last Session, and he had hoped to have introduced it before Easter. It had, however, occurred to him that it would not be advisable to place the Bill upon the Table without some prospect of a fair chance of proceeding with it. He had also felt that one important measure for Ireland at a time was enough. He still hoped to introduce the Bill during the present Session; but, looking at the state of Public Business and of the Notice Paper, his hope was not so sanguine on the point as it had been. Whether the greater question was or was not dealt with, it would be necessary to pass a short Bill similar to that of last Session, for the purpose of continuing for another year the existing Law on the subject.

#### ALKALI ACT, 1863—INSPECTION OF CHEMICAL WORKS, IRELAND.

##### QUESTION.

SIR ARTHUR GUINNESS asked the Chief Secretary for Ireland, Whether the Local Government Boards for Ireland, under the Act of last Session, intend to appoint a Special Inspector for the four Chemical Works in Ireland, independent of the Inspectors at present acting under the Alkali Act, 1863?

SIR MICHAEL HICKS-BEACH, in reply, said, that looking at the small number of chemical works in Ireland, there appeared to be no necessity for appointing special Inspectors for them.

#### PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.—QUESTION.

MR. W. E. FORSTER: Sir, I think it would be for the convenience of hon. Members if the right hon. Gentleman the Prime Minister would inform the House what Business will be taken on Thursday. In the hope that the original intention of the right hon. Gentleman with regard to the holidays may be fulfilled—namely, that they should extend from Thursday next to the Thursday in next week—I beg to ask, what will be the Business that will be taken on the

*Sir Arthur Guinness*

day that the House re-assembles after the holidays?

MR. DISRAELI: Sir, what we propose is that on Thursday we should continue the Sale of Food and Drugs Bill in Committee, if it is not finished, which I trust it will be; and then we propose to proceed with the Chancellor of the Exchequer's Bills relating to the National Debt, the Savings Banks, and the Inland Revenue. If there should be time to do so, we also propose to go into Committee on the Friendly Societies Bill. When we meet on Thursday week we intend to go into Supply.

#### DEFINITION OF BOUNDARIES— SALMON FISHERIES (IRELAND) ACT. QUESTION.

MR. O'CONNOR POWER asked the Chief Secretary for Ireland, If he will explain to the House upon what principle the Fishery Commissioners in Ireland have acted in defining the mouths of rivers, with respect to the right of putting out nets for the purpose of catching salmon; and whether the principle is the same in all the salmon fisheries in Ireland?

SIR MICHAEL HICKS-BEACH: Sir, by the 32 & 33 Vict. c. 92 the Inspectors of Irish Fisheries are empowered, subject to the approval of the Lord Lieutenant and the Privy Council, to define or re-define the boundaries of the mouths of rivers, if after local inquiry they are satisfied of the expediency or necessity of such action. The principles on which they have acted in carrying out this power have had regard in all cases to the physical circumstances of the locality, without respect to the right of putting out nets for the capture of salmon.

#### PARLIAMENT—THE DERBY DAY—ADJOURNMENT OF THE HOUSE.

##### QUESTION.

SIR WILFRID LAWSON: I beg, Sir, to ask the right hon. Gentleman the First Minister of the Crown a Question, of which I have given him no Notice, but which probably he will be prepared to answer at once. It is, Whether it is his intention on this day fortnight to move that this House adjourn over the Derby Day?

MR. DISRAELI: Really, I must consider this subject.

PEACE PRESERVATION (IRELAND)  
BILL.—[BILL 154.]

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland.*)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed,  
“That the Bill be now read the third time.”—(*Sir Michael Hicks-Beach.*)

MR. BUTT said, he rose to move that the Bill be read a third time on that day six months. It was not his intention, at that stage of the Bill, to enter with any minuteness into the subject; but he felt it his duty to make that Motion, and to take a division upon it, by way of protest on his own part and on that of many Irish Members around him. Not only did they believe it to be unnecessary, but they objected to the form in which it was ultimately passing, continuing, as it did, for five years, powers over which the House would have no control during that period. The Bill, also, would outlive the House itself—a fact which, in his view, constituted a dangerous precedent. The continuing of the power of imprisonment for more than one year, whilst the writ of Habeas Corpus was suspended, was in itself a power so dangerous that he felt it his duty to divide the House upon the question before it, not with any expectation that he should be able to maintain a majority in favour of his Amendment, but with the intention of placing on record the protest of opponents.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day six months.”—(*Mr. Butt.*)

MR. NEWDEGATE said, that all that had been urged by the majority of the Irish Members had not been wasted upon him; but he had felt it his duty to vote for the Bill on every occasion, and for this reason—that the majority of the Members for Ireland had, for a series of years, expressed an opinion that Ireland was not to be governed upon the same principles as the rest of the United Kingdom. They had demanded the disestablishment of the Protestant Church in Ireland. They had expressed extreme satisfaction at the establishment of a different code of laws for land tenure for

Ireland, as distinguished from the landlord and tenant law which prevailed in England and Scotland, and they had appeared in that House as the representatives of an organization which distinctly intended to establish a system of Home Government in Ireland, different from that which prevailed in other parts of the United Kingdom. When the majority of the Representatives of one section of the Kingdom expressed a firm determination not to be governed according to the laws which prevailed in the other sections, he considered that the Legislature of the United Kingdom was justified in establishing a different system of Government for that section, according to the best judgment of the House, and the requirements of the case.

MR. SERJEANT SHERLOCK said, he did not mean to reply to the remarks of the hon. Member for North Warwickshire, but he had risen for the purpose of directing the attention of the House to the danger of passing a Bill of this kind. The offences against which it was directed were not specifically named or described in it; so much so that he ventured to say there were not 10 Members of the House who understood the Bill. It was, in fact, only to be understood by the careful study of several other Acts of Parliament—of no fewer than 12 other Acts—which were referred to in the first part of the Bill alone; but the reference to those Acts afforded to the readers of the Bill now before the House no information either as to the offences they created or the penalties they imposed. This absence of information on the face of the Bill was the more objectionable, as the penalties enacted by the Bill were for the most part directed against the lower and more ignorant classes; but it would in every case be necessary in order to understand the Bill, to refer to the statutes of which he had made mention, no information concerning whose provisions was contained in the Bill itself. In fact, those Acts had to be carefully read by everyone who desired to know what the present Bill meant. Though himself a lawyer of some years' standing, he did not profess to recollect what was contained in those Acts; and if it was possible that persons in his position should not know the law, it was only fair that the Bill should give the information which all were supposed to have who had to obey

the law. To do that might give rise to a little more trouble in drafting the Bill; but that was no reason why the Bill should not give full information as to the acts which might constitute offences against it and their consequences. The omission of which he had spoken had grown into a practice, and if it was persisted in—if previous enactments were to be embodied in Bills by simply stating the titles of the Acts which contained them—great public inconvenience must arise. Bills might be made a little longer by their being fully set out; and Her Majesty's Government might perhaps congratulate themselves on the rapidity with which they had got through this Bill; it had, in fact only occupied three weeks in Committee; but the discussions would not be greatly lengthened in consequence of adopting his suggestion, and all whom the law concerned would exactly know what it was.

MR. CHARLES LEWIS said, he hoped the House would bear with him whilst he made a few remarks on the Bill; for though he was an Irish Member, he had as yet taken no part in the long discussions into which it had led them, and if he remained altogether silent upon it, his silence might be misapprehended. Having given his support to the Government on this Bill, he thought it only fair to his constituents that he should state the grounds upon which he had given that support, on all points of the Bill excepting one only, on which he had voted against the Government—that which gave the Government the power of keeping a man in prison for more than 12 months without his being brought to trial. He claimed this indulgence from his hon. Friends opposite, because he had before now proved that he was no friend to Coercion Bills. He had before now voted against their continued operation for more than 12 months; and last Session he declined to vote for including the Coercion Act in the Continuance Bill, on the ground that the House had had no authoritative statement from Her Majesty's Government as to the grounds upon which they desired the continuance of the statutes objected to. Who, indeed, he would ask, could be a friend to a Coercion Bill, except under the dire necessity of the case? None of them liked to have to go back to their constituencies and tell them that

they had taken part in passing a Coercion Bill. It would not be a pleasant duty even for an English Member; and he claimed for the right hon. Gentleman at the head of the Government that he had not, throughout his whole career, shown himself in any way a friend of legislation of this kind. Finding these Acts, the work of his predecessors, on the Statute Book, he had felt it his duty to do that which the circumstances appeared to demand and to warrant; but in doing so the Government had entirely separated themselves from a policy of mere continuance. They had endeavoured, in the interests of personal liberty, to see what previous enactments of the kind they might dispense with, and, in the interests of order, to see what it was absolutely necessary for them to retain and to re-enact. It was well that that should be stated, in order that it might be understood in Ireland that the Bill had not been conceived in any spirit of hostility, or of undue repression, but that the most liberal and patriotic judgment had been exercised upon it. ["Oh!"] He would remind the House that in the Bill two of the most important provisions to be found on this subject in the Statute Book had been dispensed with—the Press Clauses and the "Curfew" Clause—the power of arresting suspicious persons at night. The power of search warrant lasting for three months had been cut down to the reasonable period of 21 days; the arbitrary power of the Lord Lieutenant to close public-houses without assigning any reason had been destroyed; the power of the police to arrest strangers in a proclaimed district had been entirely destroyed; and the absolute power given to the Attorney General to change the venue in criminal cases had been destroyed. Now, he would appeal to those who had formed hasty and censorious judgments upon this Bill, whether the Government were not entitled to the credit he claimed, and whether they were at all justified in describing this Bill as the perpetuation of a brutal and bloody code? The whole conduct of the Government in reference to the Bill was the best answer that could be made to such a charge. Every suggestion of amendment, no matter how hostile the source, received in the course of the debate the most careful attention from the Chief Secretary and the Solici-

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tor General for Ireland. In Committee the Government had also made various material concessions, among which were these—Licences must now be granted by resident magistrates on the certificate of two justices; night domiciliary visits had been prevented; a warrant to search for arms must be executed in the presence of the responsible person to whom it was addressed; a restriction had been placed on the period of imprisonment on summary convictions, while hard labour in the case of those summary convictions had been done away with; and, last and most important concession of all, the right of having the writ of Habeas Corpus had been restored. It must, however, be understood, that these concessions had been made by the Government in no spirit of weakness or of vacillation. They had been fully debated and considered with fairness and candour, and the Government had shown their desire, while making the law a terror to evildoers, not to place any unnecessary inconvenience or restriction on the liberty of the subject. He had been struck with one observation which had been made by the hon. and learned Serjeant who had just sat down, and he thought the hon. and learned Member must have been joking when he made it. The hon. and learned Gentleman referred to the limited extent of the discussions on this Bill. Now, he was under the impression that this was the 12th sitting of the House upon which the Bill had been discussed for hours together. He himself believed that there never was a discussion before which had been carried on so long without any attempt to restrict it. No attempt had been made to restrict the discussion on this Bill, in the smallest degree, or the extent to which the opposition was designed to go. No sort of impediment had been thrown in the way of fair and impartial consideration of every Amendment which had been placed before the House, even though the same Amendments had been repeated two or three times. At the same time, he did not hesitate to say he would have preferred to see two other alterations made in the Bill. He thought it an unfortunate circumstance that they should have to continue this Bill for a period of five years, and would much prefer that it should have been continued for only three years; but when asked to support its continu-

ance for two years he felt that he could not conscientiously vote for a repetition of these discussions in so short a time. He believed, however, that many of the provisions of this Bill might be left with the greatest possible safety and satisfaction in the hands of the present Lord Lieutenant. The Duke of Abercorn was an Irishman, above all other things desiring the prosperity and welfare of the country; and he (Mr. Lewis) was sure he would not continue a proclamation a month longer than he believed to be necessary under his sense of duty, or by the requirements of public order. The Chief Secretary for Ireland, also, from the sympathy and cordiality with which he had entered into unquestioned Irish grievances, and the care with which he had attended to Irish measures, had entitled himself to the consideration and good feeling of his opponents. It was, undoubtedly, an embarrassing subject, and he had received from his constituents letters complaining of their being placed under these oppressive laws. Like good citizens, however, they had resolved to submit themselves to them, and to surrender their individual freedom, in the belief that the sacrifice was needed for the welfare of the State.

MR. MOORE said, he thought that not more time than was necessary had been consumed in the discussion of a Bill which was to suspend for five years the constitutional liberties of the subject. He remembered that for a long time last year they were marched and counter-marched through the Lobbies of the House on the clauses of the English Liquor Bill, and he did not believe that any honest, intelligent Englishman would grudge them an opportunity of expressing their views. The Prime Minister said, on the second reading of the Bill, that it was a measure of necessity framed in a spirit of conciliation. Why then did he ask to renew it for a period of unprecedented length? Nothing could show more clearly the increased confidence felt by all portions of the community, than the fabulous sums of money the farmers were willing to invest in land. A few years ago a farm of 50 acres, let at £3 an acre, was sold, and its occupation value obtained £1,500, or £30 an acre. Two years ago, another farm, 54 acres in extent, rented at 50s. an acre, obtained for its occupation value on being sold £2,500, or £46 an acre. In

another instance last year, 7½ Irish acres on a lease, of which 15 years remained, were sold for £540, or £77 per acre. It was in the face of facts like these that the Government asked the House to renew a Bill of this kind for a period of unprecedented length. He hoped that some better reason would be given for re-enacting this measure for a period of five years than the mere stifling discussion or avoidance of an unpleasant subject. He should certainly oppose the third reading of the Bill.

SIR PATRICK O'BRIEN said, he did not rise for the purpose of following the hon. and learned Member for Londonderry (Mr. C. Lewis) into the various topics upon which he had addressed the House, but rather for the purpose of calling the attention of the Government to certain points in the Bill which seemed to him to require notice. He would, in the first place, observe that there were many places in Ireland where two magistrates did not attend petty sessions. Without wishing to introduce sectarian considerations into the debate, he might further remark that in his own part of the country, though the large mass of the people were of the Catholic persuasion, to which he also himself belonged, they held opinions contrary to those of the magistrates. In the course of the debate many observations had been made on the Irish resident magistracy, and he should ill perform his functions as Member for an Irish county if he did not testify how much the Irish people owed to their resident magistrates for their administration of the law. For the satisfactory fulfilment of the duties of a magistrate it was absolutely necessary that such an officer should have a thorough knowledge of the habits of the people, and even of their wants and their thoughts; and the generally satisfactory administration of the law in Ireland was highly creditable to the magistracy of that country.

LORD ROBERT MONTAGU said, he had listened with some astonishment to the speech of the hon. Member for North Warwickshire (Mr. Newdegate). To use a French phrase, he thought he might say of him, "*Il a perdu une belle occasion de se taire.*" If the hon. Gentleman had not spoken, he would not have supposed he had such poor reasons for the course which he said he had taken in reference to the Bill. Those who had

taken part in opposing the Bill had done so, because they believed it necessary to defend their constituents from a system of legislation which was certainly different from that which the House passed for England and Scotland. The hon. Member for North Warwickshire told them again, that they had concurred in passing the Disestablishment Bill. Those who passed that Bill, however, were the great Liberal Party, then in a majority, who bowed to the demands of the Irish people. Another charge that the hon. Member had brought against them was, that they desired that the Irish people should legislate for themselves. Why, that ought rather to be a cause of thankfulness to the hon. Member. Both parties alike ought to rejoice at being relieved from the necessity of bowing to the demands of Irish Representatives, and from a tyranny which he deemed so grievous. But in regard to the general policy of the Bill and the Ministry by which it was promoted, he had a large fish at the end of his line and he wished to play it a little. The noble Lord then read an extract from a speech of the Prime Minister, who speaking of the Coercion Bill of 1846, stated that in less than a century there had been no fewer than 17 Coercion Acts for Ireland, which might lead some persons to doubt whether violent legislation always proved efficacious; the Prime Minister further said that Bills of that description should always be accompanied by remedial measures, to redress the evils out of which the necessity had arisen, and that Ireland ought to be governed as nearly as possible on the same principles as England. In this case he must call on the right hon. Gentleman to be true to his own policy. He not only did not bring in any remedial measures himself, but helped to prevent the passing of others which Irish Members brought in for the benefit of Ireland, and his Government strangled the Municipal Corporation (Ireland) Bill. He exonerated the right hon. Gentleman himself—he believed he hated Coercive Bills as much as anyone in that House, for nobody on the eve of the late General Election could have spoken more strongly, more violently, or even more ferociously, against such Bills; but he regretted to say that while the right hon. Gentleman had been silent and courteous throughout the progress of the present

measure, the only argument he had advanced to prove the existence of Ribbonism was, that those who believed in it ought to regale themselves by drinking dry champagne.

MR. BUTLER - JOHNSTONE defended the remarks of the hon. Member for North Warwickshire (Mr. Newdegate), and said, that while others pretended to be ashamed of belonging to a nation which suspended the securities for personal liberty, he, for his part, should feel ashamed of belonging to a country in which men were shot down in the high road by ruffians with blackened faces who hid behind hedges, and then scampered away in safety, and he should feel still more so were he to live under a Government so weak and pusillanimous as to refuse to take steps to put an end to so monstrous a state of things. He believed if the hon. Gentlemen opposite, below the Gangway, had a Parliament of their own on College Green, it could not exist for a week or a day without passing a measure every bit as severe as that under discussion, in order to maintain the indispensable and primary condition of all Governments—safety to life and property. The noble Lord (Lord Robert Montagu) had complained of the introduction of coercive measures without remedial measures; but he seemed to have forgotten that nearly the whole of last Session was spent in the consideration of remedial measures, and if Parliament had shrunk from granting Home Rule, it was only because it was averse to the dismemberment of the Empire.

MR. RONAYNE said, it was perfectly true what the hon. Gentleman had just stated, that if there were an Irish Parliament in College Green, it would itself enact coercive measures if proved to be necessary, but under the English Government coercion was the normal state of things in Ireland. And it should be borne in mind that while a child might accept correction at the hands of its own parents, it resented being chastised by a neighbour. The whole history of Ireland showed that her people had never yet obtained a single concession except by disaffection and sedition. ["Oh, oh!"] Hon. Gentlemen who knew nothing about the history of Ireland might cry "Oh, oh;" but he challenged them—as he had often challenged them before—

to point out a single concession which had been granted to Ireland during the last 100 years that had not been granted from the apprehension of an outburst of civil war or from some Imperial necessity. The people of Ireland had never obtained a single concession until the echoes of the guns in the Revolutionary War in America were heard here. Again, in 1792, when they asked for justice, the Relief Bill was thrown under the Table of the House; but no sooner was the declaration of war made by the French Directory in 1793 than all that was asked was at once conceded. In fact, he challenged them to go through the whole catalogue of concessions and point out one of them which had not been wrung from the fears of England or Imperial necessity. What had they now done? They had re-cast an Act which handed over the government of Ireland to the police, to the county magistrates, whom the Government itself did not trust, and to that *cloaca maxima*, the Castle of Dublin. In fact, the Irish people were deprived of their liberties by corruption and by force, and he did not at all wonder at the support given to this measure by the late Chief Secretary for Ireland, for the noble Lord was then the Leader of a Party—a party of Constabulary, who indulged themselves in illegally breaking the skulls of the Queen's loyal subjects, holding a legal meeting in the Phoenix Park, and no doubt he appreciated the law that would allow him to do so with impunity. The Royal Irish Constabulary, however, were not a police, but a military force. They were very useful in rural districts where beaus were scarce, and they were excellent hands at organizing archery and cricket matches. They were toasted, too, at public dinners, after the Army and Navy, and he had suggested to many of his friends in the Army and Navy who drank this toast that an equally deserving force with which many of them were more familiarly acquainted, the sheriffs bailiffs, should be similarly toasted. Government did not trust the Irish magistrates, and the Irish magistrates did not trust the Government.

MR. WADDY expressed an earnest hope that the hon. and learned Member for Limerick (Mr. Butt) would not insist on a division. He thought it would be a most melancholy thing for the House

men, whose conscientious convictions differing from mine, I wish to treat with honour and respect, and between whom and myself there are, I have no doubt, many points of sympathy on matters of far greater importance than those pertaining to ecclesiastical polity and organization. I wish to say, that in opposing this Bill I have no special antipathy to Bishops. I may not look upon them in the same light as many hon. Members of this House probably do. I do not believe that diocesan Episcopacy was any part of primitive Christianity, but rather an excrescence that has grown upon it since. Neither do I believe—though I am far from wishing to treat with ridicule, or disrespect those who do—in those mystic spiritual powers which Bishops are supposed to possess, and to be able to communicate to others. Still, as Pope says—

“Even in a Bishop I can spy desert.”

There are many Bishops of the Church of England whose names and memories I hold in as deep veneration as anyone in this House. The names of such men as Hooper and Latimer, of Leighton and Usher, of Taylor and Beveridge, or Berkeley and Butler, and many others who, by their saintly lives, or their admirable writings, have rendered inestimable service to the cause of Christianity in this land. But I object to this Bill, because it asks this House to concur in perpetuating and extending the creation of a class of politico-ecclesiastical State officials, whose existence, in my opinion, is not to the advantage of either Church or State. That an Episcopal Church should have Bishops, and have them in sufficient number to meet all its requirements, is a position so obvious that it admits of no doubt, and needs no argument. And, perhaps, nothing more shows the utterly crippled and helpless condition of the Church of England, than the fact that, though it has been in existence for upwards of 300 years, it has made only one addition to its Episcopate in the whole of that time. Compare this with the state of things in the United States of America. There is an Episcopal Church in that country—and a vigorous and flourishing Episcopal Church—of which the venerable Dr. Pusey says that—

“Severed from the protection of the State, it first struck root when it was deprived of all human

support, and long ago it quadrupled, while the population doubled only.”

In 1830, the number of dioceses in the United States was only 12. Now it is 41, besides 9 missionary Bishops, the sphere of whose operations is also, I believe, in their native country; while, as I have already said, with one exception, no addition has been made to the number of English Bishops for more than 300 years. Why is this difference? The reason is perfectly simple. One is a free Church, and can expand and adapt itself to the growth of population and the changing circumstances of the times; while the other is a Church in bondage to the State; and in this—as in a hundred other matters, is “cabbined, cribbed, confined” by that relation. I have been told by some hon. Members since my Notice has appeared on the Paper, that this is only an act of the Episcopal Church to extend and perfect its own organization. If it had been that, not one word would have fallen from my lips in opposition to it. But it is as far as possible from being that. In fact, the Church has nothing to do with it. It has no part or lot in this matter. It has no voice in the new adjustment of dioceses, no voice in the re-distribution of patronage, no voice in the election of the new Bishop. The new Bishop will be a State official, and although not sitting for the present in the House of Lords, he will have the right to do so in rotation, and that gives a political character to the appointment, which will, no doubt, be influenced—as most such appointments are—by political motives. For, how are Bishops appointed? Of course, by the Prime Minister, and very generally for political reasons. One of the Ecclesiastical journals says—

“A Bishop is a mere nominee of the Crown or Prime Minister: comes to his flock as a governor appointed over them without their concurrence or consent. What amount of cordial sympathy can be expected to exist between pastor or people in this state of mutual relationship? The pastor, only too naturally, fails to feel any responsibility towards those who have not reposed their confidence in him by choosing him as their leader and guide, or even by consenting to his appointment. But he does feel—and the less fervent his piety the more keenly does he feel—a sense of the responsibility towards the power that did nominate him for consecration. Hence we ever find, with rare and noble exceptions, Bishops siding with the Crown or Parliament against the real spiritual needs

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their flocks, sympathizing with Acts of Parliament, out of sympathy with zeal."

And although for the present the appointment is to be made by Her Majesty the Queen, by Letters Patent, yet as the Bill evidently contemplates the ultimate creation of a Dean and Chapter, we shall then have the shocking profanation of an election by the *congé d'élire*, when the Dean and Chapter solemnly meet to invoke the Divine guidance to enable them to choose a chief pastor of the diocese, when the choice has been already made for them by the Prime Minister, and that choice is imposed on them in so peremptory a fashion that, in case of refusal, they are liable to heavy penalties—such as forfeiture of land and imprisonment. But there is another objection I have to this Bill, and there I have a distinct *locus standi* as a Nonconformist—that is, that it proceeds on the assumption that practically, as well as theoretically, the whole population of this country are members of the Church of England. The promoters of an increased Episcopate always quite coolly take this for granted. They point to a particular district or country, which has so many hundreds of thousands of souls, and they say, there is only one Bishop to take care of all these souls, while it is perfectly well known to everybody that there are millions of people in this country—I am sure it is no exaggeration to say more than one-half of the church and chapel-going population—who have renounced their allegiance to the Church, and who, therefore, do not require, and will not accept, Episcopal supervision. Now, as a Nonconformist, I protest against keeping up this fiction. Take, for instance, the case of Cornwall. Much was made in "another place" of the destitution of Cornwall, when a similar Bill to this was under discussion. It was said that another Bishop was imperatively demanded for that part of the country. And immediately the Lord Lieutenant of the county got up in his place and declared that they did not want any Bishop, as the great bulk of the people were Nonconformists. This view of the matter has been so forcibly put in an article which appeared a few weeks ago in *The Times*, that I ask permission of the House to read a few sentences from it. After referring to some objections made

by Lord Shaftesbury to Lord Lyttelton's Bill, the article proceeds—

"But if Lord Shaftesbury seems to go a little further than becomes a professed Churchman, the great majority of the inhabitants of these Isles, for one reason or another, go a good deal further in their objection to any functionary who assumes to combine in his own person spiritual with political power and authority. They do not like being any wise committed to it, even if themselves be absolutely protected against it, and their body, soul, and estate, be in no wise threatened. The feeling of a Nonconformist, a Presbyterian, or a Roman Catholic is that if a man chooses to call himself the Bishop of Colchester, we will say, and is so called by his co-religionists, they have no objection; but they do object to their representatives in Parliament giving any national sanction to the exclusive assumption of that character. If we suppose any town or district where one form of Dissent or any other now seems in full possession, it may very consistently object to Parliament permitting anybody to claim, by his very title, authority over the souls whose lot is cast within those boundaries."

But does anybody want more Bishops of the same type as those now existing? I fail to see any evidence of that. Who wants them? Certainly, not the Nonconformists, who refuse to acknowledge their authority or to accept their services. But do members of the Church of England ask for more? I believe that considerable machinery has been set in operation to get up Petitions in favour of an increased Episcopate. But in the last Report of the Committee on Public Petitions it would appear that the Petitions hitherto presented had an aggregate number of signatures not amounting to quite 3,000. But the best proof that there is no demand for more Bishops is the Universal dissatisfaction expressed by all parties in the Church with the present Bishops. And what renders this the more striking is the fact that no one pretends to deny that the Gentlemen who occupy the Bench are not only gentlemen of irreproachable personal character, but of most exemplary diligence in the discharge of their laborious duties. And yet how are they spoken of by the organs of the various parties in the Church? I will take first *The Standard*, which is understood to be the organ of the Conservative Party generally. In 1864, that journal said—

"The Bench of Bishops is filled with the Ministers' creatures who openly avow, with an elasticity of conscience to which only Episcopacy can attain, that they are bound to vote even for a falsehood, rather than not magnify their makers."

Then take the organs of the High Church Party generally. I find in *The Church Times* these words—

“There is probably no body of men in the world who, so far as outward evidence goes, care less for the furtherance of religion than the English Bishops.”

The same journal in April, 1868, said—

“A sad and lengthened experience has taught us that there is little to be hoped for from the present Bench of Bishops, when cowardice and unfaithfulness prompt the evasion of a plain duty.”

*The Church Herald* again, the organ of another section of the High Church party, says—

“There never was a time when the members of the Episcopal body were held in less respect and repute than at present, or when their power to control the clergy except by legal process was so weak.”

And what makes the fact of the existence of this feeling among the class represented by *The Church Times* and *The Church Herald* more significant and remarkable is the fact that they regard the Episcopal office with an almost idolatrous veneration. I remember when the Oxford Tracts first appeared, they spoke of the Bishops in language that seemed to me, I own, to be extravagant. They said—

“The Bishops stand in the place of the Apostles so far as the office of ruling is concerned; and whatever we ought to do, had we lived when the Apostles were alive, the same ought we to do for the Bishops. He that despiseth them despiseth the Apostles.”

Again, addressing the clergy—

“Exalt our holy Fathers, the Bishops, as the representatives of the Apostles and the Angels of the Churches, and magnify your office as being ordained by them to take part in their ministry.”

And yet, in spite of this profound reverence for the office, such as I have quoted is the language they use in reference to those who now fill that office. There is another powerful Party in the Church, the Evangelical Party. The judgment pronounced by the organs of that Party is no less emphatic. Thus I find *The Rock* speaking in 1869—

“Do our Bishops sit in the House of Lords to maintain the rights of their Order? If so, they have betrayed them. Do they sit there to maintain the cause of the Established religion which they profess? This, too, they have betrayed with the spirit of a craven, and with a baseness that has no parallel in the annals even of Paganism. Do they sit there as the guardians of the Protestant interest, of a Protestant Empire? These, too, they have betrayed, and not only

betrayed, but have thrown the full weight of their position and power into the opposing scale of Popery.”

The same unfortunate journal, on another occasion, speaks in the following accents of despair:—

“The life of a Protestant journalist, always one of constant labour and anxiety, is rendered doubly harassing by the action of the Bishops. One or other member of the Episcopal Bench is for ever doing something that he, if faithful to his Ordination vows, ought not to have done, or leaving undone something that, as the overseer of a Protestant Church, he ought to do. And all this while there be some amongst us who raise the cry of ‘More Bishops,’ to which the nation’s response will shortly be, ‘Save us from those we have.’”

*The Record*, another important organ of the same party, said in 1869—

“The Prelates have acted in direct opposition to the cause of Protestantism, and instead of maintaining, like their forefathers, a firm protest against ‘the Man of Sin,’ they have invited the bitter gibes of Liberationists, who have said that the ‘almighty dollar,’ and not Christian Protestantism, is now the watchword of the Bishops.”

And in regard to the latest act of the Bishops—the issue of their allocution on the state of the Church—I find one of the Church journals, *The Church Herald*, giving a sort of *résumé* or summary of the judgment pronounced by the whole Ecclesiastical Press of the country on this act, which is represented as one of universal dissatisfaction. It gives extracts from *The Guardian*, *Record*, *John Bull*, *Church Times*, *Church Review*, *Church News of Scotland*, and *Literary Churchman*, and then sums up the whole in the following words:—

“Whatever this response may reveal as to the relations between the clergy and the laity, it leaves no doubt upon another matter which is hardly of less importance. It makes it unmistakably clear that the great alienation under which we are suffering is that of the whole Church, clergy, and laity alike, from the Bishops. It is manifest that all confidence in them is gone—happily not as Bishops, but only as men. Their office was never so highly esteemed as at present, and it may be added that their inherent claims as Catholic Bishops were never so firmly established. But no one trusts them. The all but universal judgment upon them (and of course as we are all compromised by their proceedings, we are all entitled to form one) is that their rule is not equitable and impartial, that their speeches and letters are not straightforward and truthful, and that, being the Church’s highest officers, they are, unhappily, too ready to sacrifice her rights and claims, and even her doctrine, to popular clamour or for the sake of standing well with the world.”

Now, I offer no opinion as to the cor-

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rectness or justice of these opinions. I merely refer to them as indications of the state of feeling that exists in the Church itself in regard to the existing Bishops, and as a strong presumption that at least there is no desire for an increase of the same class of Bishops. But I think I have proof that there is not merely indifference, but positive hostility against the present projects for an increased Episcopate. Some one has sent me a paper containing an account of a remarkable meeting lately held in Exeter, and Exeter is a sort of Mecca of Episcopacy. We are told that it was called by a circular largely signed by laymen and clerics belonging to all schools and parties in the Church. After long consultation the conclusion in thus stated—

“In the discussion which followed the greatest unanimity was evinced as to the scandalous injustice involved in the present mode of appointing Bishops, and as to the particular injustice contemplated in Lord Lyttelton's Bill by denying to Churchmen any voice in the election of the Bishops of the new Sees for which Churchmen are expected to provide funds. The meeting was also unanimous in considering that now or never was the time for the Church to assert her right in this matter. Indeed, the only difference of opinion was as to whether the demand should not be made applicable to the whole system of appointing Bishops, instead of being confined to the new Sees to be created under the Bills of Lord Lyttelton and Mr. Cross, and ultimately an Amendment, placing the demand on the broad and general basis, was carried by a large majority.”

With regard to the particular arrangements made under the Bill, I have not much to say. The right hon. Gentleman the Home Secretary, in introducing the measure, was eloquent as to the generosity of the Bishops of Winchester and Rochester, the one for giving up his country, and the other his town residence to form the nucleus of a fund for the endowment of the new Bishopric. He said that it was really a gift offered to the Church by the Bishops. With all respect this does not appear a very accurate description of the matter. These Bishops at most had only surrendered their interest in two residences during their term of office. Beyond that, they were merely liberal with other people's property. Why, Danbury, the residence of the Bishop of Rochester, was bought for him or his predecessor some 30 years ago by the Ecclesiastical Commissioners for £28,157. And with regard to the great sacrifice made in re-

gard to these houses, one of the clerical journals says—

“Great praise has been bestowed upon Dr. Harold Browne and Dr. Claughton for their very generous and most noble offers; but the truth seems to be that the palaces which they have offered to give up are of the nature of white elephants—that is to say, of possessions which, in the present state of Episcopal incomes, are rather an embarrassment than a benefit.”

Besides which, each of them gives up £500 a-year, not from his own salary but from the salary of his successor to augment the income of the new Bishopric. So that their generosity rather reminds one of the inscription which some wag placed on a bridge built by a Mr. Brown—

“Mr. Brown, of his great bounty,  
Built this bridge at the expense of the  
county!”

Some years ago, an attempt was made to increase the Episcopate. But the right hon. Gentleman the Member for Liskeard (Mr. Horsman) opposed it in so powerful and convincing a speech that he seems for the time to have defeated the project. That, like the present project, did not propose to ask any money direct from the coffers of the State for endowing the new Bishoprics, but to do so by manipulating existing ecclesiastical funds. The ground taken by the right hon. Gentleman on that occasion was ground which I think may be fitly taken by conscientious Churchmen on the present occasion. He contended that if they had funds at their disposal by the better administration of ecclesiastical property, the money could be turned to better account in the augmentation of small livings, than in the creation and endowment of new Bishops. He stated some most startling facts as to the condition of the working clergy; and although, no doubt, much improvement has taken place since then, there is still ample room for further improvement in this matter. Canon Gregory, at a meeting of the Curates' Augmentation Fund, lately held at Willis's Rooms, stated that there are 1,742 beneficed clergy who receive only £100 a-year; 2,035 who receive between £100 to £150; and 1,796 between £150 and £200. So that there are 5,573 beneficed clergy whose income is below, or only £200 a-year. The condition of the curates is still worse, and this being so, if you can economize anything out of the revenues of the Church, is not this

a better direction for its use than in the multiplication of Bishops? When I consider the formidable assaults that are made in these days upon the foundations, I will not say, of the Christian religion, but of all religious faith, so that men's minds are filled with trouble and anxiety on the most important of all questions, and then see how those who are, or who claim to be, the official representatives of the national Christianity, omitting the weightier matters of the law, are busying themselves with what I call the "mint and anise and cummin" of religion, with questions of postures, and gestures, and garments—when I think of the masses of our population that are lying outside the pale, I will not say of the Church of England, but, unhappily, of all our Churches—and I could quote an eloquent passage to this effect from a book lately published by the hon. Member for the University of Cambridge (Mr. Beresford Hope), a book in the views of which I do not agree, but which I have read with admiration of its ability, learning, and temper; and when I further think of the hundreds—nay, thousands—of the working clergy of the Church of England—godly, learned, and laborious men, who are leading a life of pinching penury which it is most painful to contemplate, and then hear the cry for more Bishops, more Bishops for the House of Lords, more Bishops for whom large salaries and sumptuous palaces must be provided, and who have to be clothed in purple and fine linen, I feel inclined to say—

"Non tali auxilio, nec defensoribus istis  
Tempus eget."

I have no wish to put any obstacle in the way of the increased efficiency of the Church as a spiritual institution. On the contrary, I can with my whole heart wish it God-speed in all work of this nature that it is doing. But if the Church of England wishes really to develop its forces—and I believe there are great forces capable of development in that Church—it can only be on one condition, and that is freedom—freedom from that entangling alliance with the State which cripples its energies, sullies its purity, compromises its dignity, impairs its efficiency, and gives rise to many occasions of scandals, which bring reproach, not on the Church only, but on our common Christianity.

*Mr. Richard*

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Richard.*)

Mr. BERESFORD HOPE said, no doubt, the hon. Gentleman, from his own point of view, was right in his general argument at first; but he strayed away from the points with which he had a right to deal when he brought forward trumpery rubbish from old articles in *The Rock* and *The Church Herald*, as if they were the voice of the real parties in the Church of England. As a High Churchman he repudiated *The Church Herald*, and he would like to see any member of the great Low Church party get up and say he was not ashamed of *The Rock*. If he had cared to come down with his pockets stuffed with all the little contemptible so-called religious organs of the various sects of Nonconformists, he could easily have capped any of those quotations which the hon. Member had given, or could give, from the most flimsy utterances of any little section in the Church of England, by language even more outrageous from those foolish periodicals, and equally written to sell and not to convince. If they wanted the real opinion of the English Church they must look elsewhere. The question must be treated on a broader ground; and in occupying it, the hon. Gentleman had, in fact, destroyed his own argument by his candour in appealing to them to look upon the Church as a spiritual organization. His contention answered itself, because he failed to disprove that this Bill was intended to develop in the truest sense the spiritual organization of the Church of England. The Church of England was an Episcopal Church, by which was meant that it considered Bishops to be an integral portion of the Christian ministry: working ministers with definite religious duties as much as the pastors of any congregation. So by the essential principles of that Church, a Bill to increase the Episcopate was a Bill to strengthen the Christian ministry. The hon. Gentleman rode off by denouncing Bishops as pompous worldlings, and tried to derogate from the unselfish generosity shown by two of that body in respectively offering to give up a town and a country house, on the score that those were only official residences, as if the abandonment of an official residence was not a personal sa-



crifice to an office holder who was living in it. The hon. Member had no right to bring such charges against the Episcopate, before he could prove that the Bishops of our Church had not largely and habitually contributed out of their own means, and even sacrificed their own private fortunes for the good of the Church. He had found much comfort for his opinions in some spasmodic resolutions passed at a meeting at Exeter. Now, no Bishop had in his lifetime the character of being more prelate than the late Bishop of Exeter, but whatever might have been thought of the theological opinions of Bishop Phillpotts, of his splendid munificence there could be no doubt; and when he remembered the gigantic, unresting work of a Wilberforce, and the deep learning of a Thirlwall, he could not patiently listen to comparisons between the general body of the clergy and the Bishops, as if the latter were rich drones and the parish clergy the only people who sacrificed life, health, time, and comfort to the service of their Lord and Master. It could not be denied that this Bill was a private re-arrangement within the lines of the Church of England of its own resources, and in that character it ought to be safe from such opposition as had been offered to it. He (Mr. Beresford Hope) took the present Bill as it stood, and he thanked all who had been concerned in bringing it forward. He said that with the more feeling, because he had himself charge of another measure which had been carried through the House of Lords by his noble Friend Lord Lyttelton, and which he hoped would be accepted in that House also. He saw no discrepancy between the two Bills, which had the same object of increasing the efficiency of the Episcopate. They were drawn on different lines; but the lines were parallel, not clashing. This measure provided for a peculiar and exceptional want, which there were peculiar and exceptional means to meet; and the other provided for no new Sees by name, while it supplied a general machinery for the creation of new dioceses when means were forthcoming from private sources. The ancient See of Rochester, having by the growth of London been brought close to the metropolis, it was an eminently practical step to make a Bishopric of South London attached to Rochester. Surrey was

now partly a rural and partly an urban county, and wherever the great community of London had surged over and spread itself, those old county distinctions had disappeared, and the Capital only remained to be treated in its great unity by all the special appliances needed to provide for the spiritual necessities of the population. Rural Surrey still remained attached to the old princely See of Winchester, and he thought it well that, for the present, at least, that famous diocese should retain so much of its former amplitude. Rochester, too, had a magnificent Cathedral and great traditions, and there was already a teeming Kentish London under its administration, and these considerations justified placing urban Surrey under the charge of the Bishop of Rochester. He had ventured to make these remarks because he believed that a feeling natural in itself, though, he thought, overstrained, had shown itself in some Surrey quarters against any dismemberment of the county. Essex and Hertfordshire, which had been by the strange management of Church reformers in the bygone generation, joined to the diocese of Rochester, were clearly marked out as fitting space for a Bishopric, even if the area had not contained a church so historical and artistic as the Abbey Church of St. Albans. There was there the largest church in the Realm, and one of the grandest, which marked the spot where the first Christian blood in the Island was shed. On that spot, the historical, the practical, and the sentimental met, and such a place was eminently fitted to become the head-quarters of a new diocese. If Surrey wanted a Bishop Lord Lyttelton's Bill showed the way to provide one. Let that Bill become law, and the Surrey people would then only have to find the means. Surrey could thus become a diocese with its cathedral at St. Saviour's, and West Kent would be quite a sufficient area for the pastoral care of the Bishop of Rochester. But in the meantime, let the friends of the Church take the good thing that was offered in the present measure, and seek to supplement it by the wider provisions of the pending enabling Bill. He thanked Her Majesty's Government for this good beginning, and he trusted to see further progress made in the same direction.

SIR WILLIAM HARCOURT said, he was one of those who concurred in

was assigned to the majority of the other bishoprics. While, if they did not accept the scheme which was undoubtedly a great improvement of the existing state of things, he could not see his way to any improvement being made for many years. They ought to look to the practical rather than the particular and sentimental result of the measure. The inhabitants of Surrey ought, therefore, he thought, to accept the Bill, and be thankful to the Home Secretary for the efforts he had made to meet their wants. With these views, he should support the Bill, but he would suggest that the name should be altered from the Bishopric of Rochester to that of Rochester and Southwark. There was in Southwark one of the finest churches (St. Saviour's) in the South of England, and the new Bishop would therefore find a suitable Cathedral church for his ministrations. The best answer that could be given to the hon. Member for Merthyr, that instead of creating bishoprics measures should be taken for increasing the incomes of the clergy, was to be found in the establishment of the Bishop of London's fund and a similar one in the diocese of Winchester, which funds were entirely owing to the work of the respective Bishops of those dioceses.

SIR THOMAS CHAMBERS said, that although he could not agree with the hon. Member for the University of Cambridge (Mr. B. Hope), and the hon. and learned Member for Oxford (Sir William Harcourt), in their very different reasons for supporting the measure, yet he should support the second reading of the Bill. He would first trouble the House with a brief chapter from his own ecclesiastical biography. He was born in the town of Hertford, where he lived for a time under the mild reign of Dr. Kaye, Hertford then forming part of the diocese of Lincoln. Before he was confirmed, and without his consent, he was transferred to the more vigorous administration of Dr. Bloomfield to the diocese of London, and again, without his consent, he was transferred to the diocese of Rochester. It was, however, obviously inconvenient to be governed by a Bishop so distant as the Bishop of Lincoln, and also equally inconvenient to be governed by a Bishop living on the other side of the Thames, and he therefore accepted the Bill as a mere re-arrange-

ment of dioceses, so that Hertford and Essex might be more efficiently governed under a resident Bishop. He thought the Home Secretary had done well to bring in this Bill.

MR. ASSHETON CROSS said, he did not intend to enter into the broad question raised by the hon. Member (Mr. Richard) as to the existence or not of the Established Church. He fully agreed with those who held that the nation gained more from its connection with the Church than the Church gained from connection with the State. At the same time, he was fully alive to the advantages which the Church derived from its connection with the State. Persons of all denominations also gained much from the established existence of a Church celebrated for its moderate doctrine, and in which, in the main, every one was kept practically to that doctrine. He need not refer to the great benefits which the Church of England had conferred upon Christendom by the position it had taken in regard to the doctrines of the Reformation, and in setting an example to all other religious denominations in regard to the work of the poor. Assuming that the Church of England was to continue to exist, and that there were to be Bishops in it, then, if there were three large dioceses in it like London, Rochester, and Winchester, the Bishops of which had more work on their hands than they could possibly get through, and if they came to an arrangement beneficial to the Church by dividing those three dioceses into four, and by that means the work could be better carried out both with respect to the Church and the nation, then this Parliament would be wise to accept it. Upon that practical ground he based this Bill. His hon. Friend the Member for East Surrey (Mr. Grantham) had stated with perfect truth that there was at first considerable opposition in that county to the Bill because the inhabitants of that county had done a great deal towards providing a Bishop of Surrey; but he believed that now the common sense prevailing in the county and other parts of the diocese was that this was a practical measure for meeting the present purpose, and would be a great relief to the Bishop of Winchester, and insure due episcopal supervision for that part of Surrey which would be transferred to the diocese of Rochester. With regard

*Mr. Grantham*

to his hon. Friend's proposal that the Bishop should be called the Bishop of Rochester and Southwark, there was, he was informed, a practical objection. He did not wish to create by this Bill a Bishopric of Southwark as well as Rochester. He knew of no precedent for a Bishopric being called by two names, unless there had been two Sees previously in existence. If he called the Bishopric by the two names, he would be creating practically a Bishopric of Southwark. He had met the people of Surrey so far that there was a clause in the Bill providing that the residence of the Bishop of Rochester should be in Southwark. That would be a position from which the diocese would be very easily worked, and it would give great satisfaction to that part of the country. He trusted the hon. Member for Gloucester (Mr. Monk) would not think it necessary to encumber the Bill by an abstract Resolution on the subject of the *congé d'élire*, because he had made no provision in the Bill for the establishment of a dean and chapter, having no funds for that purpose. The dean and chapter could not be created without an Act of Parliament, when the hon. Member could state his objections, and meanwhile the Bishop of St. Albans would be created by the Crown by Letters Patent. These three Bishops deserved the thanks of the Church, and, above all, of the inhabitants of the diocese over which they presided, for the arrangements they had made for dividing the dioceses and for the sacrifices they had made. As the character of the Bishops generally had been somewhat impugned, he must say that he did not think there could be found a body of men of an equal amount of learning and intelligence who were animated by a more direct and single-minded wish to devote their lives to the performance of their duties or who worked harder than the Bishops of the Church of England.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 273; Noes 61: Majority 212.

Main Question put, and agreed to.

Bill read a second time, and committed for Thursday.

# SALE OF FOOD AND DRUGS (re-committed)

BILL—[BILL 83.]

(Mr. Sclater-Booth, Mr. Clare Read.)

COMMITTEE. [Progress 6th May.]

Clause 21 (Proceedings against offenders).

MR. MUNTZ moved, in page 7, line 5, after "by," to insert "the Inland Revenue Department, Somerset House, whose certificate shall be final." He believed the trade were extremely jealous of the certificate given by the analyst at Quarter Sessions, but would be contented with the certificate of the Inland Revenue Department.

MR. SCLATER-BOOTH said, his hon. Friend in his Amendment had somewhat confused the function of the Judge and analyst. He could not accept it, on the ground that it proposed to leave the final decision on questions of adulteration with the Department of Somerset House. That decision must rest with the Courts of Law. He would prefer that the hon. Member should allow the hon. Member for Leicestershire (Mr. Pell) to put his Amendment on the same point, as it seemed to him to meet it better. He was willing on the part of the Inland Revenue Commissioners to undertake the duties of analyzing, without, however, giving to their decision any character of finality if it could be challenged on any subsequent analysis.

SIR HENRY PEEK said, it was admitted that there were very few competent analysts to be found, and believed that there had been several miscarriages of justice throughout the country. Speaking on behalf of traders he had to say that they were not at all disposed to object that their goods should be thoroughly examined; but they desired that the examination should be made thoroughly, certainly, and sensibly. In the majority of cases the examination had been neither thorough, nor certain, nor sensible. In one case a gentleman who had filled the office of high sheriff of the county of Anglesey had been fined for selling the finest green tea, and in the county of Northampton several traders had been fined for selling coffee adulterated with acorns. Some samples of the coffee were sent to London to be examined, and it was found that there was not a particle of acorn in the coffees, whereupon the local analyst admitted that he had made a mistake. In regard

to cocoa persons had been charged with adulterating it with sugar, flour, and honey—in no civilized country was it prepared otherwise—and on the certificates given there had been many convictions. He believed that all pepper contained a certain amount of silica; but a certificate had been given that a sample of pepper contained 1 per cent of siliceous matter, on which a trader, but for wiser counsels prevailing, would have been fined. Personally, he should rather like to see all the analyses which might be necessary under the Act left to the Department at Somerset House. This would be a cheaper and more satisfactory course than the one proposed in the Bill. He quite agreed in the observation that if the chemists at Somerset House were made the sole analysts for the purposes of this Bill, it would largely prevent adulteration, while the ratepayers would be gainers by the change. He did not think that it was fair that the same magistrates who in Petty Sessions had the appointment of the local analysts should afterwards at Quarter Sessions determine appeals from the reports of those persons. He should therefore support the Amendment.

DR. C. CAMERON remarked that the scarcity of competent analysts now complained of was owing to the sudden demand for their services, which was the consequence of recent legislation. It would, however, be every year less and less felt. The *personnel* at the laboratory at Somerset House consisted of a principal, a deputy principal, eight permanent assistants, and eight temporary assistants, and it was impossible that such a staff could get through the enormous amount of work that would be thrown upon it under the proposal of the hon. Member for Birmingham (Mr. Muntz), and it could not be increased without great cost to the country. With regard to the finality of the Somerset House certificate, the view of the right hon. Gentleman the President of the Local Government Board was, in his opinion, the true one. An analyst was not a Judge, nor had he to find a trader guilty of adulteration. He had simply to report upon the samples submitted to him. The method of appeal provided for England was not so satisfactory as that provided for Scotland; but the proposed Amendment was not the way to remedy matters. In Eng-

land the appeal was to be from Petty Sessions to Quarter Sessions, whereas in Scotland it was from the Justices to the Sheriff. He suggested that the County Court would be the most suitable court of appeal.

MR. LYON PLAYFAIR said, that in accepting the proposal that all the analyses should be conducted at Somerset House the Government were incurring considerable responsibility. He should wish to know what security the Government had that the assistants at Somerset House were properly qualified for the discharge of such important duties as were about to be thrown upon them by this Bill, because it was evident that the salaries they received were not such as the first chemists in the country would be entitled to. He, however, should not divide the Committee on the Amendment, because he merely wished to point out to the Government the dangerous responsibility they had taken upon themselves in accepting this Amendment.

MR. MUNTZ said, he was willing to waive his Amendment in favour of that of the hon. Member for Leicestershire.

Amendment, by leave, *withdrawn*.

MR. PELL moved, in page 7, to leave out line 6 and to end of Clause, and insert—

"By persons to be appointed by the Commissioners of Inland Revenue, who shall thereupon make the analysis, and give a certificate to such justices of the result of the analysis; and the expense of such analysis shall be paid by the complainant or the defendant as the justices may by order direct."

He was very glad that the right hon. Gentleman had accepted his Amendment.

MR. SCLATER-BOOTH would accept the Amendment of the hon. Member for Leicestershire, and Her Majesty's Government were quite aware of the responsibility they were taking upon themselves by so doing.

MR. SULLIVAN observed, that the analyses conducted at Somerset House would command the confidence of the country.

SIR THOMAS CHAMBERS said, he was glad the Government had consented to give a better security for the skill and competence of the analysts, inasmuch as practically the decision of the Justices would always be governed by the analyst's report.



MR. GRANTHAM said, he thought cases might arise in which it would not be desirable to make either the complainant or the defendant pay the expense of the analysis, and that some discretion in this respect ought to be left to the Justices. Up to this time the public had not had confidence in the analysts, but he hoped the result of the debate would be to restore that confidence. He thought the Amendment would be better without the alteration of the hon. Member for Leicestershire.

MR. LYON PLAYFAIR was of opinion that the terms of the Amendment were too vague. He suggested that the words "the chemical officers in the employment of the Inland Revenue" should be substituted for the words "some persons to be appointed by the Commissioners."

DR. LUSH suggested that the clause should be withdrawn for the present in order that the Government might have an opportunity of re-considering it.

MR. RAMSAY said, he thought it of importance that analysts should be examined as to their literary as well as their scientific qualifications.

MR. STAVELEY HILL approved of the suggestion that the articles should be sent to the Inland Revenue Office for examination.

Amendment, with the substituted words, *agreed to*.

Committee report Progress; to sit again *To-morrow*.

And it being now five minutes to Seven of the clock, the House suspended its sitting.

Th House resumed its sitting at Nine of the clock.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at ten minutes after Nine o'clock.

## HOUSE OF COMMONS,

*Wednesday, 12th May, 1875.*

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—House Occupiers Disqualification Removal\* [164]; Experiments on Animals\* [163]; Military Manœuvres\* [166]; Local Government Board's Provisional Orders Con-

firmation (No. 3)\* [165]; Public Health (Scotland) Provisional Order Confirmation (No. 3)\* [167].

*Second Reading*—Coroners (Ireland) [36]; Infanticide [43]; Towns Rating (Ireland) [139], *debate adjourned*.

*Committee—Report*—Pier and Harbour Orders Confirmation (No. 3)\* [143]; Matrimonial Causes and Marriage Law (Ireland)\* [79].

*Withdrawn*—Representation of the People Acts Amendment\* [29].

## CORONERS (IRELAND) BILL—[BILL 36.]

(Mr. Vance, Sir John Gray, Mr. Downing.)

### SECOND READING.

Order for Second Reading read.

MR. VANCE, in moving that the Bill be now read the second time, said, it was identical with the one which passed a second reading last Session, and which enacted that coroners should be paid by salaries and not by fees. It might be described as a measure for improving the administration of justice in Ireland and raising the condition of the coroners in that country, which was at present unfair to themselves and injurious to the public interests. They were at present paid by fees instead of salaries, while in England the coroners had, since 1860, been paid by salaries in the place of fees. The coroners of Ireland were, in fact, the only judicial persons who were at the present moment paid by fees; and, as it might be said that they held inquests unnecessarily for the sake of the fees, they wished to be protected against such an imputation. The Select Committee who sat on the Grand Jury Laws in 1868 recommended that the coroners should be paid in future by salaries upon an average of the duties they had performed for the last five years. The Irish coroners were willing that this recommendation should be carried out, but not upon the basis of the present miserable scale of payment. The fee for an inquest in Ireland was only £1 10s., although in many cases the coroner had to travel long distances, and although the inquest might be protracted over one, two, or three days. Living was more expensive than it was when these fees were originally fixed, and the keep of horses had also greatly risen. It was therefore proposed that in fixing the payment by salaries the expense of holding the inquests during the last five years should be taken at £2 10s., instead of £1 10s., together with the average of all allowances actually received

by each coroner during the same period. That would give each Irish coroner, on an average, a salary of £83, and not more than £100 in any case, which was not unreasonably high, considering that the English coroners received, on an average, from £200 to £500 a-year, and that the Middlesex coroner received £2,000 a-year. If there were any reason to complain of inefficiency on the part of coroners in Ireland it must be attributed more to the law than to themselves, for there was now no qualification required for the office—anybody might, in fact, fill it. He therefore proposed that magistrates might be coroners, as they could not always obtain the assistance of professional men, and accordingly after the passing of the Act no person was to be appointed to the position unless duly qualified to practise medicine or surgery and registered under the Medical Act, a barrister-at-law, a solicitor or attorney, or a justice of the peace of five years' standing. The Bill further provided for the production of prisoners on remand, and that the election of a coroner should be concluded in one day, and not, as at present, continued for two days. He believed that this measure would tend to improve the administration of justice in Ireland by raising the condition of coroners, on whom a great responsibility was cast in elucidating the truth and administering the law. The Bill gave coroners power to appoint deputies, a privilege which existed in the boroughs of Ireland and in all the districts of England; but he thought coroners should not be Government officers, as they had sometimes to decide questions which arose between the Crown and the subject. It also proposed to grant superannuation, because men remained in the office longer than they could properly perform the duties of it; but it would be limited to two-thirds of the salary when the coroner had attained 70 years of age, and be paid only after 20 years' service in the office. They could, however, claim such superannuation earlier if they were, according to satisfactory medical testimony, incapacitated by reason of infirmity or illness. He believed the measure was almost universally approved by the Irish Members, and he trusted the Government would allow it to be read a second time, on the understanding that in Committee whatever Amendments were suggested would

be fully considered and most likely carried out.

Mr. MACARTNEY seconded the Motion, expressing a hope that the measure would meet with a better fate than that which befel a similar Bill introduced last year. Should the Government wish to oppose the Bill, he hoped they would defer doing so until it was in Committee.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Vance.*)

THE O'CONOR DON differed in many respects as to his view of the Bill from the two hon. Gentlemen who preceded him. He did not rise for the purpose of moving the rejection of the second reading; but he believed that a considerable number of the Irish Members were either not aware of the provisions of the Bill or were satisfied that no necessity existed for its enactment. Instead of being a Bill for the better administration of justice, the hon. Member for Armagh (*Mr. Vance*) would have more correctly described it as a Bill for doubling or trebling the salaries of the coroners in Ireland. He confessed he was one of those who thought that in the present day the coroners might be dispensed with altogether, and assuredly if such an institution did not now exist no one would think of establishing it. The whole strength of the argument in favour of this office lay in its antiquity, and one of the chief features connected with this antiquity was that of unrestrained popular election. Coroners were elected by the ratepayers of the county, a popular body, very much as seats in that House were filled up, not on account of particular fitness for the duty, but by reason of some popular motive, and the choice of the electors was not confined, as was proposed in this Bill, to doctors, lawyers, or retired magistrates. He doubted much whether these technical qualifications would improve the state of things, and they seemed to him inconsistent with the idea of free popular election, which more generally turned upon questions as to a man's politics—whether, for instance, he was a Home Ruler or an Orangeman—rather than upon his technical fitness. His experience did not lead him to the belief that every man who was called to the Bar really knew law, and he doubted

*Mr. Vance*

whether a qualification which was possessed by every briefless barrister would add to the strength of the office—so long, at least, as the election depended upon politics. If the hon. Member for Armagh allowed the law to remain as it was, and did not ask to have it amended, no person, perhaps, would stand up to propose the abolition of the office; but he objected to being asked to give local bodies the power of doubling or trebling, or it might be quadrupling by way of fixed salary, the rate of remuneration which had been paid for so long a period. In country districts he considered that the duties of coroner could very well be undertaken by the resident magistrates, or by two justices of the peace, who now were empowered to act in the absence of the coroner. His main objection to the Bill was the proposed increase of remuneration, and consequent increase in the rates. At present, no coroner could under any circumstance receive, no matter what amount of work he performed, or how many inquests he held, more than £100 a-year; but under the 4th clause of the hon. Member's Bill the Grand Jury were called upon to sanction a minimum increase by 75 percent of each coroner's remuneration, and as much more as they liked. There was really no restriction placed on their liberality. The first Grand Jury, too, that was empannelled after the passing of the Act was to settle the salary for ever in each respective county. Besides these, he had other very strong objections to the details of the Bill, which were very clumsily drawn out; and especially he considered that it would be very objectionable to reward a coroner, who had perhaps during the last five years been holding many unnecessary inquests, by fixing his salary at a higher figure than the salary of the coroner who had conscientiously done his duty.

SIR GEORGE BOWYER hoped that the Bill would be read a second time without a division, although there, no doubt, were matters in it which would require much consideration in Committee. He did not agree that the office of coroner should be abolished. It was an office of great antiquity, and was admirably adapted for the duties it had to perform, and he doubted if it would be possible to create a new officer exhibiting the same dignity and independence as that apportioned to the office of

coroner. Although in Scotland the functions of coroner were discharged by the Procurator Fiscal, who was a most important officer, yet he certainly thought that it would be unsatisfactory to mix up the duties of stipendiary magistrate and coroner—unsatisfactory as regarded the duties of both of those offices. The matter should receive very careful and serious attention before any change was made in the office of coroner. The coroner was elected by the freeholders, and he was the representative of the people by virtue of the Queen's writ. As to the qualification for the office, anyone might be elected; but it was always supposed that no one would be chosen who was not fit for the office. The position of coroners in Ireland would be somewhat raised by this Bill, and it was a mistake, he considered, to make their salaries depend upon the number of inquests held in a given number of years, for the number of inquests did not depend upon the coroner himself, but upon mere accident; one year there might be a large number of accidental deaths in a certain district, whilst during the next year there were none at all. The salaries should be paid on the principle of a sufficient salary, with a view to securing the services of respectable, independent men, suitable for the performance of the duties of the office. He trusted his hon. and learned Friend the Solicitor General for Ireland, when the Bill went into Committee, would consider, having regard to all the circumstances of the case, what salary was likely to secure an efficient person. On the whole, he (Sir George Bowyer) considered the Bill as one which deserved to be read a second time.

MR. LAW expressed his general concurrence in the views expressed by the hon. Member for Roscommon (The O'Connor Don). He did not understand the hon. Member to propose the abolition of the office of coroner; but the question, whether the duties of the office might not be quite as efficiently performed by other persons, was at least worth consideration, and many reasons might be adduced in its favour. It was said that in Scotland, where there were no coroners, the same functions were discharged by the Procurators Fiscal. But we had, besides coroners, officers analogous to the Scotch Procurators Fiscal. In Ireland there were, in every

by each coroner during the same period. That would give each Irish coroner, on an average, a salary of £83, and not more than £100 in any case, which was not unreasonably high, considering that the English coroners received, on an average, from £200 to £500 a-year, and that the Middlesex coroner received £2,000 a-year. If there were any reason to complain of inefficiency on the part of coroners in Ireland it must be attributed more to the law than to themselves, for there was now no qualification required for the office—anybody might, in fact, fill it. He therefore proposed that magistrates might be coroners, as they could not always obtain the assistance of professional men, and accordingly after the passing of the Act no person was to be appointed to the position unless duly qualified to practise medicine or surgery and registered under the Medical Act, a barrister-at-law, a solicitor or attorney, or a justice of the peace of five years' standing. The Bill further provided for the production of prisoners on remand, and that the election of a coroner should be concluded in one day, and not, as at present, continued for two days. He believed that this measure would tend to improve the administration of justice in Ireland by raising the condition of coroners, on whom a great responsibility was cast in elucidating the truth and administering the law. The Bill gave coroners power to appoint deputies, a privilege which existed in the boroughs of Ireland and in all the districts of England; but he thought coroners should not be Government officers, as they had sometimes to decide questions which arose between the Crown and the subject. It also proposed to grant superannuation, because men remained in the office longer than they could properly perform the duties of it; but it would be limited to two-thirds of the salary when the coroner had attained 70 years of age, and be paid only after 20 years' service in the office. They could, however, claim such superannuation earlier if they were, according to satisfactory medical testimony, incapacitated by reason of infirmity or illness. He believed the measure was almost universally approved by the Irish Members, and he trusted the Government would allow it to be read a second time, on the understanding that in Committee whatever Amendments were suggested would

be fully considered and most likely carried out.

Mr. MACARTNEY seconded the Motion, expressing a hope that the measure would meet with a better fate than that which befel a similar Bill introduced last year. Should the Government wish to oppose the Bill, he hoped they would defer doing so until it was in Committee.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Vance.*)

THE O'CONOR DON differed in many respects as to his view of the Bill from the two hon. Gentlemen who preceded him. He did not rise for the purpose of moving the rejection of the second reading; but he believed that a considerable number of the Irish Members were either not aware of the provisions of the Bill or were satisfied that no necessity existed for its enactment. Instead of being a Bill for the better administration of justice, the hon. Member for Armagh (Mr. Vance) would have more correctly described it as a Bill for doubling or trebling the salaries of the coroners in Ireland. He confessed he was one of those who thought that in the present day the coroners might be dispensed with altogether, and assuredly if such an institution did not now exist no one would think of establishing it. The whole strength of the argument in favour of this office lay in its antiquity, and one of the chief features connected with this antiquity was that of unrestrained popular election. Coroners were elected by the ratepayers of the county, a popular body, very much as seats in that House were filled up, not on account of particular fitness for the duty, but by reason of some popular motive, and the choice of the electors was not confined, as was proposed in this Bill, to doctors, lawyers, or retired magistrates. He doubted much whether these technical qualifications would improve the state of things, and they seemed to him inconsistent with the idea of free popular election, which more generally turned upon questions as to a man's politics—whether, for instance, he was a Home Ruler or an Orangeman—rather than upon his technical fitness. His experience did not lead him to the belief that every man who was called to the Bar really knew law, and he doubted

*Mr. Vance*



whether a qualification which was possessed by every briefless barrister would add to the strength of the office—so long, at least, as the election depended upon politics. If the hon. Member for Armagh allowed the law to remain as it was, and did not ask to have it amended, no person, perhaps, would stand up to propose the abolition of the office; but he objected to being asked to give local bodies the power of doubling or trebling, or it might be quadrupling by way of fixed salary, the rate of remuneration which had been paid for so long a period. In country districts he considered that the duties of coroner could very well be undertaken by the resident magistrates, or by two justices of the peace, who now were empowered to act in the absence of the coroner. His main objection to the Bill was the proposed increase of remuneration, and consequent increase in the rates. At present, no coroner could under any circumstance receive, no matter what amount of work he performed, or how many inquests he held, more than £100 a-year; but under the 4th clause of the hon. Member's Bill the Grand Jury were called upon to sanction a minimum increase by 75 percent of each coroner's remuneration, and as much more as they liked. There was really no restriction placed on their liberality. The first Grand Jury, too, that was empanelled after the passing of the Act was to settle the salary for ever in each respective county. Besides these, he had other very strong objections to the details of the Bill, which were very clumsily drawn out; and especially he considered that it would be very objectionable to reward a coroner, who had perhaps during the last five years been holding many unnecessary inquests, by fixing his salary at a higher figure than the salary of the coroner who had conscientiously done his duty.

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MR. LAW expressed his general concurrence in the views expressed by the hon. Member for Roscommon (The O'Conor Don). He did not understand the hon. Member to propose the abolition of the office of coroner; but the question, whether the duties of the office might not be quite as efficiently performed by other persons, was at least worth consideration, and many reasons might be adduced in its favour. It was said that in Scotland, where there were no coroners, the same functions were discharged by the Procurators Fiscal. But we had, besides coroners, officers analogous to the Scotch Procurators Fiscal. In Ireland there were, in every

county, local sessional Crown prosecutors, who might well discharge some of the functions now discharged by coroners. There were also for each county, barristers, who on representing the Attorney General conducted all important Crown prosecutions at the assizes; and, besides, there were the stipendiary and other magistrates. It could hardly, therefore, be contended there was not in Ireland a staff of other officials quite equal to the discharge of the coroners' duties. With respect to the proposal in the Bill to allow coroners the power of appointing deputies, he believed such a course would be very inexpedient. The result would simply be absentee coroners and deputies doing the work for one-fourth of the salary, just as in the case of the Clerks of the Peace at present. Again, as to the proposal to fix and provide an increased salary to the office, it should be recollected the coroners were paid out of the county cess, which fell upon the farmers, and they might justly feel aggrieved by any appreciable increase to that impost. However, all he asked for was full consideration of the question. He did not oppose the second reading of the Bill; but as Notice of a Motion had been given to refer the Bill to a Select Committee, it occurred to him that this would be a desirable course to pursue, so as to have not only a careful examination of the several clauses, but also an inquiry into the larger question as to whether the office should be permanently continued.

MR. ALFRED MARTEN said, the subject was of importance not only to the part of the United Kingdom to which it specially referred, but also to the other parts where the office of coroner had been in full operation for many hundreds of years, and was now in operation with the general approval of the country. There could not be a doubt that complete satisfaction was given in the performance of their duties by the very learned and other persons who were holding the ancient and dignified office of coroner in the country; and any proposition to abolish the office would be looked upon as revolutionary, though a coroner might occasionally make some observations which were not befitting his office. He could quite understand that in Ireland there might be objections as to the way in which coroners were

appointed and paid, and as to the necessity of raising the qualifications of persons who were candidates for the office, but he could not understand how those objections should be made reasons for abolishing the office itself. He believed that in Ireland, as in England, it would be impossible to carry on the administration of justice efficiently without Coroners' Courts. Of course, they heard complaints from time to time of the proceedings in those Courts. The decisions of the juries and of the coroners were called in question, but that was only what happened with another ancient institution—trial by jury. They often heard complaints of ignorant or perverse verdicts, but no one proposed, therefore, to abolish trial by jury. As to the mode of electing coroners, it had been said that candidates appealed to political feeling, and that in many cases they succeeded in obtaining the office in consequence of party excitement or influence. That might be regretted; but he believed that it had not been proved that persons so elected had allowed party feelings to influence them in the discharge of their duties. If such misconduct were proved it would be in the power of the proper authority to remove the offender. It had been suggested that the public prosecutors in Ireland might act as substitutes for coroners; but the duty of a public prosecutor was to prosecute, and he could not do that until there was a person to be prosecuted. The inquiry of the coroner into the cause of death was to find, if necessary, who that person was. It was one thing to point to a person as being guilty and another to conduct a legal trial, with a view of fixing that guilt, and securing condign punishment; and therefore it was most important that they should not have the duties of a prosecutor mixed up with those of a coroner, which involved very often the admission of evidence that would not be allowed in a criminal investigation. He should vote for the second reading of the Bill, though there were some of its four leading provisions which, he thought, might be amended in Committee. It proposed that elections should not extend over one day. This shortening of time was adopted for the saving of expense, and was in the direction of all modern legislation. He also thought that payment by salaries instead of by fees would be an improvement;

*Mr. Law*

but as it had been objected that a coroner who had held many inquests might thereby be awarded a higher salary than another less active, but not less efficient, who had held fewer inquests, he would suggest that that objection might be met by spreading the average amount of fees over a larger number of years than those named. The existing law as to qualification it was proposed to repeal, and to secure, as far as possible, a qualification which would lead to efficient persons being elected. In Committee he should be quite ready to support alteration in the proposed qualifications. The other provisions of interest had reference to the payment of witnesses and the superannuation of coroners; and with regard to those, he should be prepared to receive any reasonable proposition on the matter. In conclusion, he would express a hope that the Bill would receive a second reading.

MR. M'CARTHY DOWNING said, as his name was on the back of the Bill, he wished to say a few words as to the reasons which induced him to give it his support. One of the reasons which he thought showed the necessity for amending the present law was the fact that a coroner might have a person before him charged with committing murder, and at the close of the first day's proceedings, before the jury had arrived at their verdict, the prisoner might be committed to the county gaol for safe keeping. Next day, when the jury met again, the production of the prisoner might be refused. The hon. Member for Roscommon (the O'Connor Don) objected to the use of party symbols in the election of coroners; but it was not shown that this had any other effect than proving that the candidates were in harmony with the political feelings of those among whom they lived, not that it would injuriously or improperly affect the discharge of their official duties. He ventured to say that after the discussion which had taken place, and the expression of public opinion by English Members, no hon. Member would propose to abolish the office of coroner. The only question, therefore, was whether the existing law required amendment or not. He thought it was utterly impossible to uphold the present state of things, and that the Government would do what was wise and prudent in fixing the salary of the coroner. The Bill contained provi-

sions for improving the machinery of the Coroners' Courts, especially with respect to the expenses of the coroners in attending inquests and the fees to medical men for attendance and *post-mortem* examinations. The Bill was, perhaps, not free from objections in some of its details, but those objections could be dealt with best in Committee, and it was important that such a momentous matter should be settled satisfactorily. He thought that it would be cruel now to disappoint the expectations raised in the bosoms of Irish coroners by preceding Governments.

MR. BUTT hoped the second reading of the Bill would be agreed to. He approved of its provisions on the whole. It would be a great mistake to suppose that the abolition of the office of coroner would be popular with any class of the people of Ireland. It would be regarded as a great change upon the ancient Constitution of the country to which they were deeply attached. The administration of justice by an independent and popularly elected officer gave them a feeling of confidence, which would be greatly weakened by the abolition of the office.

MR. STACPOOLE supported the second reading, and said, that in Committee he should propose that the election of coroner should be by ballot.

MR. SERJEANT SHERLOCK said, the names of the hon. Members on the back of the Bill showed that the question was not a Party one. As to the appointment of deputies being open to abuse, that might be prevented by giving the Lord Chief Justice power to revoke such appointment.

MR. O'LEARY was in favour of the office being maintained; but, at the same time, approved of the fixing of higher qualifications on the part of candidates. Those specified in the Bill were an improvement on the present law.

MR. GIBSON said, that both in England and in Ireland the elementary and primary idea of Coroners' Courts had been widely departed from. The Coroners' Court was established for the simple purpose of inquiring into the cause of death, and it was for the legal Courts to determine the question of guilt or innocence; but in consequence of the Coroners' Courts having gone beyond their original jurisdiction and inquired into all sorts of irrelevant issues, there had

been within the last 20 years inquests extending over days, and even weeks. He therefore desired that a clause in the measure should clearly indicate that the proper province of the coroner was an inquiry as to how death had occurred, and that investigations as to who, if any, was guilty ought to be left to the Criminal Courts. He thought this Bill might be read a second time, because it introduced several improvements in the existing law. The payment of a salary instead of fees, and the fixing of qualifications higher than those of ordinary outsiders, were two of those improvements; and further, he agreed with the principle under which prisoners had a right to be present at an inquest. On the other hand, there were some objectionable provisions which would have to be carefully considered in Committee. One of those was the power to appoint deputies. No matter how much that power might be nominally subject to the approval of the Judges or magistrates, they might depend upon it that whenever the power of appointing a deputy was given it would be exercised. The coroner would reside far away from the district or county for which he was appointed, and some broken-down man, with the nominal qualifications, would be appointed as deputy at a low salary, or on small fees, to perform the duties. He also thought the principle of superannuation a right one, although he objected to the way in which it was proposed to be calculated, as it might lead to possible abuses. There were other provisions to which exception might be taken; but he would not oppose the second reading of the Bill which would require much consideration in Committee.

MR. O'SHAUGHNESSY said, he was glad the position of the coroners of Ireland had been brought under the consideration of the House, for it could not be denied that their present position was very unsatisfactory. He strongly objected to the abolition of the office, for it would be very hard to obtain another tribunal which would discharge the duties of the coroners in so just a manner. It had been recommended that the duties should be undertaken by unpaid magistrates; but that proposal had been tried in one county during the time the office of coroner was vacant, and had not been found to answer. The result was that

the office had to be filled up. It would be a very hard matter to get two magistrates to come down and devote three or four hours, or, perhaps, two or three days, to holding an inquest. And if magistrates were appointed, he was convinced that they would demand from the Treasury a higher rate of payment than the coroners would receive. He also condemned the proposal, because, in the first place, the duties were of a judicial character, and should be discharged impartially; and, in the next, that those gentlemen were officials of the Government, and more or less under their influence. It was an office of great importance, and required to be filled by gentlemen of capacity and possessing an intimate knowledge of the country. He had heard no objections which would warrant hon. Members in opposing this measure. There was one portion of the Bill which he was afraid would inflict serious injury on some half-dozen coroners in Ireland. The Bill provided that coroners, on attaining the age of 70 years, should cease to hold office, and if they had served in the office for 20 years, they were to receive a pension. But those who had not served 20 years would not receive a pension, and therefore they would be deprived of their means of livelihood. He thought that would inflict a great hardship on those persons. He would suggest that the clause should be altered so as to provide that no coroner appointed in future should be allowed to hold the office after attaining the age of 70 years. Upon the whole, he thought that the objections taken by hon. Members to the Bill were such as could be easily dealt with in Committee.

SIR PATRICK O'BRIEN believed the present position of coroners in Ireland was exceedingly unsatisfactory, and for his own part he preferred their being paid by salary instead of by fees, which tended in many cases to improper and illegal practices. He objected, however to the proposal of having resident magistrates appointed to the office, as being officials connected with the Government.

MR. BRUEN thought it was quite time that some such change as that proposed by the Bill was adopted, although some alterations might be required when the Bill got into Committee.



SIR GEORGE CAMPBELL thought from what he had heard said by hon. Members at both sides of the House that the office of coroner required some change. He would not abolish the functions of the coroner altogether, as it might be necessary on many occasions to hold a public inquiry. He should support the second reading. In Scotland there was nothing distinctly corresponding to a coroner's inquest, and there was some want of such an inquiry. The Procurator Fiscal was not a judicial functionary. He was the public prosecutor and the public prosecutor only. His inquiries were not of a public, but of a private character. No doubt, generally speaking, he performed his duties extremely well; but there was not the same satisfaction in the public mind that there would be, provided there was a public inquiry by a proper judicial officer. In Scotland he should be satisfied to entrust the inquiry to a sheriff.

MR. REDMOND was of opinion that it would be better to pay coroners by a fixed salary instead of fees. He should support the second reading of the Bill; but there were clauses in it which he should endeavour to alter in Committee.

MR. COLLINS was also of opinion that the Bill in many instances required to be considerably altered; but as that could only be done in Committee, he should reserve his objections until it went into Committee.

CAPTAIN NOLAN supported the second reading of the Bill, although there were clauses in it which he should endeavour to get altered in Committee. He was an advocate for the payment by salary and not by fees, and should have the expenses paid, one-half by the ratepayers, and the other by the Government.

MR. CHARLES LEWIS said, he was prepared to support the second reading of the Bill, on the condition that it should be referred to a Select Committee in order to put it into proper form. There were a number of changes proposed by the Bill, which were now suggested for the first time, which ought not to be accepted without careful inquiry, and he thought a Select Committee ought to be appointed to consider the subject. He believed the Bill as it stood would not be in the interest of the public service. Within the last few years the question of altering the mode of election and many of the incidents connected with the office of coroner had

been the subject of Bills and Motions brought forward in that House. If legislation of a novel character was to take place in connection with the law and the office of coroner in one part of the United Kingdom, it must not be forgotten that it would have some effect upon the law and the office of coroner in other parts of the Kingdom. In many respects it was a very extraordinary Bill and required great attention on the part of the legal and medical Members of the House. It did not deal with a very important question—namely, the unseemly conflict between the magisterial bench and the Coroners' Court, which so often brought the administration of justice into contempt. This important incidental question was one which ought not to be omitted in any legislation on this question. This Bill for the first time defined and specified the qualification of coroners, it made an important change in the proceedings attending the election of coroner and it introduced a superannuation clause which had never before appeared in any Coroners' Bill. There was another provision in the Bill to which he objected, and which he was surprised had not provoked some comments from hon. Members opposite. It authorized the coroner before he had commenced the inquest, to commit persons to prison on mere suspicion. Then as to the appointment of deputies, the choice was limited to members of the legal and medical professions, and to that restriction he also objected. As to the payment of coroners by salaries, he was of opinion that in many cases it would not have so good an effect as payment by fees, inasmuch as it might induce these officers to neglect their duties. With respect to the superannuation clause, he thought it was a most extraordinary and unheard-of thing to propose that a public officer should be compelled to retire after attaining the age of 70 years. He ventured to assert that there was no precedent whatever for the insertion of a clause of that description. He thought if the Bill was intended to pass and to be of any practical use it could not be amended in Committee of the Whole House, but ought to be referred to a Select Committee.

SIR MICHAEL HICKS-BEACH said, he thought the debate had necessarily and very properly travelled somewhat beyond the points in which an amendment of the law was desired by the

coroners themselves. For many years the hon. Member for Chippenham (Mr. Goldney) had brought forward a Bill dealing with the duties, salary, and position of coroners; but that Bill had never got beyond the stage of second reading, because great doubt was entertained whether it was necessary to continue the office of coroner at all. There was great force in the argument of the right hon. and learned Member for Londonderry (Mr. Law) and other hon. Members who had dealt with the subject from this point of view. The case of Ireland was even stronger upon this point than the case of England or Wales, because in England there were no public prosecutors, whereas in Ireland there was a system of Crown prosecutors; and in England there were not, as there were in Ireland, stipendiary magistrates all over the country who might be entrusted with discharging another portion of the duties pertaining to the office of coroner. It was, however, an office of great antiquity; the persons appointed to hold it were elected by the people themselves, and he did not think, therefore, that any proposal to abolish the office of coroner or even to alter it in any essential character could be adopted by the Government, or would be assented to by the House of Commons. As, therefore, it would be admitted that the office should be retained, it was well to consider whether the law regulating it could not in some respects be improved; and the question was, whether that end was properly attained by the Bill. A Committee which sat some years ago on the Grand Jury laws in Ireland recommended that the appointment to the office of coroner should be vested in the magistrates or grand juries, subject to the approval of the Lord Lieutenant; but that was a proposal to which he could not agree. He would continue the office as it was, and the mode of election to it; for it should be borne in mind that the mode of election in Ireland was much more satisfactory than the English system. He observed the Bill made no provision for avoiding the conflicts which sometimes arose between coroners and the magisterial bench. Now, in any measure dealing with the authority of coroners that matter ought certainly to be considered. He looked upon the inquiry before the coroner as an inquiry rather into the cause of death, than into the guilt

or innocence of any accused person; and he thought means were already provided for following up criminal inquiries without the aid of Coroners' Courts. It was proposed that coroners should be allowed to appoint deputies. On that point, he would only remark that in Ireland there were offices in which the appointment of deputies was a great public evil, and he did not wish to add to their number. The practice in itself was a bad and somewhat dangerous one, and the Bill did not sufficiently specify the circumstances under which deputies could be appointed or show how they were to be paid. The suggestion to make certain professional qualifications necessary for coroners was a wise provision; but he did not see any good reason for abolishing the existing property qualification. It was also a reasonable proposal that coroners should be paid by salary instead of by fees; but he objected to the high scale of fees on which the salaries were to be based, and thought it would require alteration in Committee. The Bill further proposed that coroners after 30 years' service should be at liberty to retire upon pensions. That was a proposal not founded upon the recommendations of the Committee on the Grand Jury Laws, who recommended that pensions should only be granted to officers who had devoted their whole time to the service of the country. It was a just principle — that officers who had served the public long and faithfully should be entitled to retire upon pensions: but there was considerable difficulty in applying it in the case of those whose public duties had occupied but a small part of their time. It was proposed that these pensions should be charged upon the fines inflicted for offences by Petty Sessions Courts; but that was a fund intended for the benefit of clerks of petty sessions, and he could not conceive anything more unfair than to draw upon a fund intended for such a purpose, and thus diminish a sum the application of which was an established rule. There was one clause in the Bill which proposed that coroners should be authorized to retire upon pensions, however short their service; but that was a proposal which he doubted would be accepted by the House. Nothing was said as to the limitation of age on appointment, and he thought that the clause relating to that matter would also require further

consideration. On the part of the Government, he readily consented to the second reading, but considered the Bill would require a great deal of amending in Committee, and was, therefore, rather inclined to think it would be wise to adopt the proposal of the hon. and learned Gentleman opposite and the hon. Member for Londonderry, and refer it to a Select Committee. He would, however, put himself in communication in the Whitsuntide Recess with authorities in Ireland on the subject of the measure; and he would now say, speaking for himself, that he would give his hearty support to the second reading.

*Motion agreed to.*

Bill read a second time, and committed for Monday, 24th May.

#### REPRESENTATION OF THE PEOPLE ACTS AMENDMENT BILL.—[BILL 29.]

(Sir Henry Wolff, Sir Charles Legard, Sir Charles Russell, Mr. Callender, Mr. Ryder.)

#### SECOND READING. WITHDRAWAL OF BILL.

SIR H. DRUMMOND WOLFF, in moving that the Order for the second reading of the Bill be read and discharged, said, he had originally brought in the Bill thinking that it would be one of general convenience. Its only object was to simplify the borough registration, which was now very complicated and expensive. Objections having, however, been made to the Bill, he now asked permission of the House to withdraw it, that he might move for leave to introduce a short Bill to amend the state of the law in reference to a defect which was shown in Registration Courts to be cause of great annoyance and considerable curtailment of the franchise.

*Motion agreed to.*

Order read and discharged: Bill withdrawn.

#### HOUSE OCCUPIERS' DISQUALIFICATION REMOVAL BILL.

#### LEAVE. FIRST READING.

SIR H. DRUMMOND WOLFF, in moving for leave to bring in a Bill to relieve certain Occupiers of Dwelling Houses from being disqualified from the right of voting in the Election of Members to serve in Parliament by reason of their underletting such Dwelling Houses for short terms, said, those persons paid the rates of the house during the time it was let—a time that they

might have gone merely to a watering-place for the benefit of health and recreation; but as the law stood they were not considered occupiers, and they were consequently disfranchised. That was a state of the law which called for amendment, and he therefore hoped the House would give its consent to the introduction of the short Bill which he proposed to amend a defect which had been the cause of great annoyance, and which was a blot on the Parliamentary electoral system of the country.

SIR FRANCIS GOLDSMID expressed his satisfaction at the course taken by the hon. Member for Christchurch in regard to the withdrawal of the first Bill.

THE SOLICITOR GENERAL concurred with the hon. Member who moved for leave to introduce the Bill that the law as it now stood was very defective in the manner he had pointed out, and called for amendment. Practically, persons who let their houses for a short time only paid all rates, and might be regarded as residents; but as the law stood they were subject to be disfranchised, if objection was made to their names being retained on the Register. He approved of the course which had been pursued by the hon. Member in withdrawing the former Bill on the subject, for, as it stood, he (the Solicitor General) would have felt himself bound to oppose it; whereas with regard to the one now substituted for it, he should be prepared to give it his support.

SIR EARDLEY WILMOT agreed that the law required amendment in the manner proposed, and was also prepared to support such a Bill as that proposed by the hon. Member.

MR. FORSYTH thought that his hon. Friend who moved for leave to bring in a Bill to amend the law in the manner proposed had hit upon a blot in the Parliamentary electoral system. It was a great hardship to a man to be deprived of his right to vote during the ensuing year, because he had let his house during a short time that he might require to go out of town.

*Motion agreed to.*

Bill to relieve certain Occupiers of Dwelling Houses from being disqualified from the right of voting in the Election of Members to serve in Parliament by reason of their underletting such Dwelling Houses for short terms, ordered to be brought in by Sir HENRY WOLFF, Sir CHARLES LEGARD, Sir CHARLES RUSSELL, Mr. CALLENDER, and Mr. RYDER.

Bill presented, and read the first time. [Bill 164.]

## INFANTICIDE BILL.—[BILL 43.]

(Mr. Charley, Mr. Whitwell.)

## SECOND READING.

Order for Second Reading read.

MR. CHARLEY, in moving that the Bill be now read a second time, said, that among the social questions pressing for a solution there were few of more importance than the question of amending the law relating to Infanticide. That was the third occasion on which he had brought the subject under the consideration of Parliament. An allegation was made last Session in "another place" that the Bill would have a tendency to diminish the security of infant life; but, on the contrary, its tendency would be to increase the security of infant life. That the Bill had been introduced on behalf of the Infant Life Protection Society ought in itself to be a sufficient answer to so absurd a charge. The new offence created by the measure, which stood midway between murder and concealment of birth, occupied, as Mr. Justice Willes stated in his evidence before the Capital Punishment Commission in 1866, the same relation to murder that treason-felony occupied to treason. The 6th clause was copied from the Treason-Felony Act. Would anybody assert that the Treason-Felony Act had lessened the securities of the Crown against High Treason? On the contrary, it had strengthened those securities by ensuring convictions at the hands of juries, who would have acquitted the prisoner, if proceeded against for the capital offence. If juries were reluctant to expose a traitor to the death penalty, was it surprising that juries hesitated to find a verdict of guilty of wilful murder against the mother of an illegitimate child, in whose breast the instincts of a mother's love had been stifled by her dread of the scorn of a cruel world, and especially of the virtuous of her own sex? So far from blaming juries for invariably acquitting the mother, they would be less than men, if they did not do it. The 3rd, 4th, and 5th clauses of the Bill were founded on the recommendations of the Capital Punishment Commissioners of 1866, who, in their Report, said—

"Our attention has been called to the frequent failures of justice in cases of Infanticide. The crime of Infanticide, as distinguished from murder

in general, is not known to the English law. The moment a child is born alive it is as much under the protection of the law as an adult. We have considered whether the failure of justice which undoubtedly often occurs in such cases may not be obviated by some change in the law which shall add to the protection of new-born children. The principal obstacle, which now prevents the due enforcement of the law, is the extreme difficulty of giving positive proof that the child, alleged to have been murdered, was completely born alive. We have given this important and difficult subject our serious attention and we have arrived at the opinion, that an Act should be passed, making it an offence, punishable with penal servitude or imprisonment, at the discretion of the Court, unlawfully and maliciously to inflict grievous bodily harm or serious injury upon a child during its birth or within seven days afterwards, in case such child has subsequently died. No proof that the child was completely born alive should be required. With respect to the offence of concealment of birth, we think that no person should be liable to be convicted of such offence upon an indictment for murder, but should be tried upon a separate indictment. The accused should not be entitled to be acquitted in either of the above cases, if it should be proved on the trial that the offence amounted to murder or manslaughter."

In the composition of that Commission he saw the names of four Members of the present Cabinet—the Duke of Richmond, the Earl of Derby, Mr. Gathorne Hardy, and Mr. Ward Hunt. Their Report was founded on the evidence of distinguished Judges who were examined before them. Of those Judges he might mention the names of Lord Cranworth, Mr. Baron Martin, Lord Wensleydale, Mr. Justice Willes, and the Lord Chief Baron, Sir FitzRoy Kelly. The late Mr. Justice Willes, in his evidence, said—

"I think that the present law certainly is in a very bad state. I think that a great many children meet with foul play under circumstances in which no sentence or adequate sentence can be passed upon the mother. I am obliged to come to the conclusion that a great many women kill their children in the course of birth, or soon afterwards, with a view to conceal the fact that they have had them, and they get off now altogether in cases where it appears that there has been no concealment of the dead body, so as to be a misdemeanor."

The Chairman, the Duke of Richmond, said—

"I do not understand you to propose any alteration in the law as it at present stands, to meet those difficulties which you yourself have mentioned?—I think that there ought to be an alteration in the law. I should propose a separate Act of Parliament upon the principle of the Treason Felony Act."

"MR. EWART: An Infanticide Act?—I would take away all the anomaly which belongs to the case at present. I do not think that the acts against procuring miscarriage meet the point;



it is not a case of abortion, it is the case of a full-grown child; it is not to produce a birth before the natural time. I think that you must have a distinct Act of Parliament; it would be nothing new in principle."

Sir Samuel Martin, in his evidence, said—

"There is certainly one case of murder, which is probably the most common case which occurs, and that is child murder; I would certainly suggest that an alteration be made in the law with respect to the child being completely born. . . . Any Judge who pleases can at once get an acquittal for a murder of that sort. It is almost impossible to tell whether the wound was given before the child was separated from the mother or afterwards; there are no means of getting at it, and if you suggest to the counsel for the prosecution, 'Have you any means of showing that this wound was inflicted after the child was separated from the mother,' the counsel says 'No,' and there is an end of it; that is not a very satisfactory state of the law."

"Mr. HARDY: You think that there should be some intermediate offence between murder and concealment of birth?—Yes."

"Mr. HUNT: Making it immaterial whether the child was completely born or not?—Yes; I think that some punishment short of death should be provided for that offence."

"Mr. ATTORNEY GENERAL FOR IRELAND: Do you mean for infanticide generally, or for infanticide in the act of birth?—In the act of birth; an infant is found just as it is born with some wound, and no one can doubt that it was inflicted by the mother, but cannot tell whether it was inflicted before or after its complete separation from her."

When he (Mr. Charley) first introduced a Bill to amend the law on the subject, in 1873, it was read a second time; and when he introduced it the second time, in 1874, it was read a second time and referred to the Select Committee on the Homicide Law Amendment Bill of the Recorder of London, by which Committee it was amended in a manner of which he (Mr. Charley) disapproved. The Bill went up to the House of Lords, where it was read a second time; but it was subsequently thrown out on the Motion for going into Committee—the Bill that was thrown out, he would observe, not being his Bill, but the Bill which the Select Committee had made it. The principle of his Bill was supported by Mr. Justice Blackburn, in his evidence before the Homicide Committee. The Bill proposed to give power to treat infanticide as a simple felony, punishable with penal servitude or imprisonment, instead of as at present compelling prosecutors to proceed against mothers who destroyed their new-born

offspring for the capital offence. He did not propose to make any alterations in the existing law; but simply to create a new offence and give an alternative mode of procedure. The Bill did not deal with the question of murder. Dr. Neilson Hancock, in his *Judicial Statistics*, 1873, p. 23, observed—

"The statistics of infanticide in England and Ireland are quite startling. The proportion of children in Ireland to the rest of the population was ascertained by the Census Commissioners in 1861 to be as 2·4 to 97·6, or, in other words, that in every 200 of the population about five are infants under one year of age. It follows from this that the proportional number of infants under one year of age which would correspond to the 23 murders which appear from the Coroner's returns to have taken place amongst the rest of the population in Ireland would be about 0·6 a-year, or 6 in 10 years. The actual number of infanticides is therefore 28 times the number of murders occurring amongst the same amount of the population at other periods of life. In England and Wales the actual number would appear to be on an average 50 times the number occurring amongst the same number of the population at other periods of life. In Ireland 106 persons were committed for trial for infanticide. So strongly, however, does the feeling against capital punishment operate, that there was not a single conviction for murder, and 39 were acquitted. If the punishment were more in accordance with public opinion, the prosecutions and convictions would be more frequent, and the excessive number of infanticides would be more effectually checked."

The question had now been in abeyance for nine years; the mind of the public was now completely seized of the subject; and he hoped, in consideration of its great importance and urgency, the House would consent to the Bill being now read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Charley.)

Mr. MORGAN LLOYD thought the Bill ought not to be read a second time without some discussion, and expressed his objection to the principle of the Bill, which proposed to make, what in another person was wilful murder, a simple felony punishable by 10 years penal servitude when committed by a mother upon her own child. The Bill defined an offence which amounted to murder, and proposed to enact that it should not be murder but a minor offence. As the Bill was framed, a jury, in order to convict of the new offence, must find that the mother "wilfully and maliciously inflicted bodily injury causing the death"

of the infant—or, in other words, they must find that she had committed wilful murder. He would suggest the omission of the words “thereby causing death,” which would remove the objection.

Mr. CHARLEY explained that his Bill did not touch the law relating to murder, but gave the prosecutor the choice of proceeding for murder or for the new offence created by the Bill.

Mr. MORGAN LLOYD said, if the Bill of the hon. and learned Member passed, juries must either find the prisoner indicted under the 3rd clause, guilty of felony, which would subject her to penal servitude for 10 years, or acquit her altogether; and as a consequence of the latter, she could not be indicted a second time if further evidence were obtained to support a charge of murder or manslaughter. He hoped it would not go forth that by British legislation that which would be murder in any other woman would not be considered murder in a mother. He trusted that his hon. and learned Friend, if the Bill be now read a second time, would bear his suggestions for its amendment in mind.

Sir EARDLEY WILMOT said, that amongst all the reforms which had taken place in the criminal law, no attempt had been made to deal with this important matter, which circumstance showed the difficulty of dealing with it. The Bill did not alter the definition of murder, but made the crime with which it dealt different from what it had been up to the present time. For himself, he considered the life of an infant of as great importance to the State as that of any grown person. Much had been done by Lord Romilly and other distinguished men to bring about a reform of the law in relation to capital punishment, which was now only mercifully retained in few and exceptional cases. The Bill proposed to make a difference only in cases where the child at the moment of birth, or within a very short period after that event, was supposed to have lost its life by the act of the mother; but, in cases of unassisted birth, children were in great danger of losing their lives without any guilt on the part of the mother. It might be said that an alteration of the law might increase the crime of infanticide; but, to his mind, it would not have

any such effect, and juries would not then hesitate to find verdicts according to the evidence, and the certainty of punishment that would follow would have a deterrent effect, and give more security to preservation of infant life.

Mr. COLE said, the cases which the Bill of the hon. and learned Member proposed to deal with had become a disgrace to the law of the country. There was not a circuit at which women were not indicted for the alleged crime of infanticide; and in these cases there was almost a moral certainty of the woman being acquitted by the jury. The principal reason was that juries would not convict when they knew that the extreme penalty of the law was to be carried out for the offence committed. The great thing in legislation of this kind was to see that the punishment should be certain. There was not a known instance—certainly for many years past—in which a woman who had been convicted of infant murder had suffered the extreme penalty of the law. Therefore, there ought to be an alteration in the law. This Bill created a new offence, for which the person on conviction would receive a very commensurate punishment. Though this new offence was created, the old offence of murder still remained. There might be some of these offences of so bad a character that the persons would be indicted under the old indictment for murder, and there was nothing in this Bill to hinder it being done. The effect of the 3rd section of this Bill would be to obtain more convictions, and with this certainty the result would naturally be further protection for the child. The ablest Judges in the land had all pronounced against the present law. One of the greatest difficulties in the conviction of women as the law now stood was that the child must have had an independent or separate existence from the mother before the wound had been inflicted that caused the death. The great defence always set up by a skilful counsel was that the child had had no separate or independent existence, that it was not completely born, and possessed no independent circulation. This Bill did away with that absurd distinction, and the person who caused the death of a child would be convicted without reference to whether the child had attained a separate existence. The Bill would

meet the difficulties of the case, and be a most valuable measure.

MR. EVANS, having been a Member of the Committee referred to by the hon. and learned Gentleman, considered the proposal contained in his Bill to alter and amend the law necessary, and he hoped the measure would not be defeated. As the law now stood juries would not convict of murder. He thought that the measure would tend to the preservation of life, and, seeing that a change in the law was necessary, he should give his vote for the second reading.

MR. KNIGHT said, that when the Act of Elizabeth with reference to bastardy was altered, those who opposed the alteration had prophesied that infanticide would become more common, from the difficulty that had been thrown upon the poor unfortunate woman to prove the paternity of her offspring. Their idea had been fully borne out, and, so far from passing this measure, which he thought would have the effect of legalizing murders of this kind, he trusted that the House would rather return to the old law with reference to the subject, during the existence of which infanticide was almost unknown. Were the law restored to its original state she could establish a claim for the support of the child upon the putative father, or else upon the parish.

MR. RUSSELL GURNEY said, the question was whether infanticide was to be committed with impunity, as it was under the present law. Speaking with the experience of a Judge who had been for many years engaged in the administration of the criminal law, he attributed the failure of justice in cases of infanticide to the difficulty of proving that the infant had ever a separate existence from the mother. This Bill met that case by providing a penalty for any violence done to a child, either before its birth, or in the course of its birth, and was so far a valuable improvement of the present law.

MR. WHALLEY considered that a Bill of such importance as the one now before the House should not have been introduced by a private Member, but should come before them on the Government of the country.

THE SOLICITOR GENERAL said, he should not give his support to the Bill if he thought it would facilitate infanticide. He believed the Bill would do no-

thing of the sort. When a woman was indicted for the murder of her child it was almost impossible to obtain a conviction, because, according to the law of this country a child could not be held to be murdered, unless it could be proved that there was an independent circulation in the child and that it had been completely born into the world; and it was very difficult to obtain medical or other testimony on the subject. Therefore, a Bill of this sort was necessary, and it would effect, in his opinion, a very just and desirable alteration of the law. Instead of encouraging the commission of the crime of infanticide, he believed it would greatly deter women from the commission of that crime, and for that reason he should support it. He must, however, draw the attention of the hon. and learned Member for Salford to the fact that under the Bill, an accessory to the infliction of a malicious wound upon a child could not be punished. It was not desirable that such a result as that should occur. In the Bill introduced by the hon. and learned Member in 1873, the indictment was not restricted to the mother of the child. But he could not find fault with the hon. and learned Member, because he had drawn the Bill in conformity with the language of the Select Committee to whom the Bill was referred.

SIR HENRY JAMES said, the general opinion of the House evidently was, that the Bill should be read a second time, and the criticisms offered upon it were rather matters for consideration in Committee. One of the advantages of the Bill was, that it would meet the practical evil arising from the fact that when a woman was indicted for the murder of her child, there was often so much sympathy with her in her peculiar circumstances that juries refused to convict, and she was subsequently acquitted as if entirely innocent. There were one or points in which the Bill might be advantageously amended in Committee; but with that reservation, he was of opinion that the measure, supported as it was by the practical experience of the right hon. and learned Gentleman the Recorder of London, was one which it was desirable to pass.

*Motion agreed to.*

Bill read a second time and committed for Friday, 28th May.

TOWNS RATING (IRELAND) BILL.  
(*Mr. Butt, Sir Joseph M'Kenna, Mr. Bryan, Mr. Ronayne.*)

[BILL 139.] SECOND READING.

Order for Second Reading read.

MR. BUTT, in moving that the Bill be now read a second time, said, he felt some surprise at hearing that the measure was to be opposed; and as he had no doubt the opposition to it originated in a thorough misconception of its provisions, he would now attempt to explain what was the real object of the Bill. Its real object was simply to remove a great hindrance which existed in the way of those who were entitled to the franchise obtaining the exercise of it, and to put it on the same footing as it was in England. That being the object of the measure, he hoped that, considering the number of days they had spent in providing for Ireland a measure of coercion, they would not hesitate to send after it this measure of enfranchisement to serve as a kind of equivalent. The Bill only proposed to deal with the question of rates. In Ireland the franchise depended upon two conditions. The first was, that the property out of which the vote was claimed should be rated to the poor; and, secondly, that the occupier himself should be rated. In some parts of Ireland it was the custom for the landlords to pay all the rates and taxes, and therefore the occupiers were not rated, and, as a consequence, could not vote. They certainly had a remedy for this, but it was a very cumbrous and inconvenient one. For instance, an occupier who wished to be placed upon the electoral roll might make an application to be rated; but then the application had to be accompanied by a tender of all the rates due up to the date of his making the application. To say the least, it was very unjust that they should have to pay those arrears, whether they arose in the qualifying year or not. In the case of England, in 1869, when they had to consider the case of that troublesome gentleman "the compound householder," Mr. Jacob Bright introduced and carried a measure, providing that the man formerly liable for the rates, although another paid them, should be put in possession of the franchise; and the only and sole object of this Bill was to assimilate the law of Ireland to the law of England in that respect.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Butt.*)

MR. VANCE, in moving that the Bill be read a second time that day six months, said, that although the hon. and learned Gentleman professed that it only dealt with the question of rating, it led up directly to a municipal and Parliamentary reform in Ireland, and would place the franchise in the possession of those who paid 5s. or 10s. in the way of rates. ["No, no!"] Well, if that was not its object, it had no object at all. If the hon. Member's object was to place on the registry men who were owners, and were qualified for being rated above £4, he could have gone about it in a much simpler manner, and in a much shorter Bill; but household suffrage, and not that, was his object. He had brought that question distinctly forward in a Bill which he had withdrawn; but this Bill was introduced to effect the same purpose in a covert way. It was, in fact, a new Reform Bill, which, if introduced at all, should be brought forward on the responsibility of the Government.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Vance.*)

Question proposed, "That the word 'now' stand part of the Question."

SIR JOSEPH M'KENNA supported the Bill, and hoped the House would not be induced by anything which had fallen from the hon. Member for Armagh (*Mr. Vance*) to reject this measure, which was a simple endeavour to render the law in Ireland as regarded the franchise the same as it was in England. If, while the scope of the Bill was such as to meet with general approval, there were any matters of detail open to objection, those could be attended to in Committee. Certainly, the objection to the Bill that it was one which ought to proceed from the Government, and not from a private Member, came with a very bad grace from the hon. Member for Armagh, who had himself occupied so much of the Sitting with a measure introduced on his own responsibility, dealing with one of the most ancient institutions of the country—the jurisdiction of coroners—nor was it constitu-



tionally necessary that all such measures should originate with the Administration. This measure was not in any respect a sweeping and radical measure, but simply one of common justice.

MR. GÖSCHEN supported the principle of the Bill, which he thought should meet with the unanimous favour of the House, inasmuch as it was simply to confer the same rights upon the towns of Ireland as had been given to those of England.

MR. MULHOLLAND supported the Amendment. If it were a mere measure of rating, no one would object to the Bill; but they had to read between the lines for its real object, and that was to carry under the guise mentioned by the hon. and learned Member for Limerick both an electoral and municipal Reform Act for Ireland. Seven out of the eight clauses of this Bill were copied verbatim from the Borough Franchise Bill, which had been introduced early this Session by the hon. Member, and thus withdrawn to make room for the present Bill. Unless it were the intention to follow up this Bill by another Bill, conferring the franchise upon all ratepayers, it had no meaning. If this were done, the result would be that, in some of the boroughs, the result would be that the new voters would outnumber the present constituents from two to one to three to one. He had never heard of any complaints against the existing state of affairs, and he objected to passing such provisions under the title of a Towns Rating Bill. They had lately passed a Bill which would for a time secure peace to Ireland, and he hoped that peace would not be disturbed by this kind of political agitation.

SIR MICHAEL HICKS - BEACH said, he accepted the assurance of the hon. and learned Gentleman the Member for Limerick that this measure was not intended to cover a new Irish Reform Bill, but was simply to remedy the grievance that persons otherwise entitled to the franchise should be excluded from it merely on account of the omission of their names from the list of ratepayers. He had listened with attention to the remarks of the hon. and learned Gentleman; but had not heard him cite a single instance in which this grievance was felt. Certainly, no complaint of the kind had reached the House, and on reference to Sir Alfred

Power, who was Vice President of the Local Government Board in Ireland, he found that no complaints whatever had been made to the Local Government Board upon this subject. Already ample provision had been made by which, in case of the omission of the names of occupiers entitled to be rated above or below £4, their names might be inserted in the rate-book. They might claim to be rated, and if any clerk of a Union wilfully neglected his duty in that respect he was subject to dismissal. He could not, therefore, support a Bill of this kind without the proof of some grievance it was intended to remedy.

MR. CALLAN said, that in his own town (Dundalk) 15 names were omitted, and he attributed the opposition he met with at the last Election to the fact—

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

#### EXPERIMENTS ON ANIMALS BILL.

On Motion of Mr. LYON PLAYFAIR, Bill to prevent abuse and cruelty in Experiments on Animals made for the purpose of scientific discovery, *ordered* to be brought in by Mr. LYON PLAYFAIR, Mr. SPENCER WALPOLE, and Mr. ASHLEY.

Bill *presented*, and read the first time. [Bill 163.]

#### MILITARY MANŒUVRES BILL.

On Motion of Mr. Secretary HARDY, Bill for making provision for facilitating the Manœuvres of Troops during the ensuing Autumn, *ordered* to be brought in by Mr. Secretary HARDY, Mr. STANLEY, and Lord EUSTACE CECIL.

Bill *presented*, and read the first time. [Bill 166.]

#### LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION (NO. 3) BILL.

On Motion of Mr. CLARE READ, Bill to confirm certain Provisional Orders of the Local Government Board relating to the districts of Barmouth and Chiswick, the borough of Harwich, the districts of Heywood (two), Keighley, Northwich, and Saint Neots, and the borough of Tiverton, *ordered* to be brought in by Mr. CLARE READ and Mr. SCLATER-BOOTH.

Bill *presented*, and read the first time. [Bill 165.]

#### PUBLIC HEALTH ((SCOTLAND) PROVISIONAL ORDER CONFIRMATION (NO. 3) BILL.

On Motion of The LORD ADVOCATE, Bill for confirming a Provisional Order made under "The Public Health (Scotland) Act, 1867," relating to the parish of Cambuslang, in the county of Lanark, *ordered* to be brought in by The LORD ADVOCATE, Mr. CLARE READ, and Sir HENRY SELWIN-IBBETSON.

Bill *presented*, and read the first time. [Bill 167.]

House adjourned at five minutes before Six o'clock.

## HOUSE OF LORDS,

Thursday, 13th May, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—*Offences against the Person* \* (102); *Elementary Education Provisional Order Confirmation* (London) \* (104).

*Second Reading*—*Pollution of Rivers* (81); *Peace Preservation* (Ireland) \* (100).

*Third Reading*—*Agricultural Holdings* (England) \* (98); *Regimental Exchanges* \* (44); *Sea Fisheries* \* (86); *Explosive Substances* \* (101), and *passed*.

*Royal Assent*—*Consolidated Fund* (£15,000,000) [38 *Vict.* c. 10]; *Glebe Lands* (Ireland) [38 *Vict.* c. 11]; *International Copyright* [38 *Vict.* c. 12]; *Bank Holidays Act* (1871) *Extension and Amendment* [38 *Vict.* c. 13]; *Elementary Education Provisional Orders Confirmation* (Caister, &c.) [38 *Vict.* c. vii]; *Elementary Education Provisional Order Confirmation* (Brighton) [38 *Vict.* c. viii]; *Local Government Board's Provisional Orders Confirmation* [38 *Vict.* c. x]; *Pier and Harbour Orders Confirmation* [38 *Vict.* c. xi]; *Public Health* (Scotland) *Provisional Order Confirmation* [38 *Vict.* c. ix]; *Public Health* (Scotland) *Provisional Order Confirmation* (No. 2) [38 *Vict.* c. xii].

## BUSINESS OF THE HOUSE.

## OBSERVATIONS.

THE DUKE OF RICHMOND said, that when he gave Notice of his intention to move that evening the adjournment of the House for the Whitsuntide Recess, he was not aware that the Peace Preservation (Ireland) Bill would come before their Lordships' House so soon as it had done. Their Lordships were aware of the necessity that the Bill should pass into a law as rapidly as possible, and therefore if their Lordships should that night assent to the second reading—as he anticipated they would—he would then ask their Lordships to take the Committee and the third reading to-morrow, so that the Bill might go through the remaining stages before the Recess. Many noble Lords, however, had made arrangements on the supposition that the Adjournment would take place that night, and therefore it might be inconvenient for their Lordships to meet at 5 P.M. This being so, he would, if it should meet with the wishes of the House, move the Adjournment until 2 o'clock to-morrow, instead of the usual hour of 5 o'clock.

VISCOUNT CARDWELL said, his noble Friend Lord Granville, who was unable to be in his place that evening,

had asked him to say that he thought the arrangement suggested by the noble Duke was a desirable one under the circumstances.

## POLLUTION OF RIVERS BILL.—(No. 81.)

(The Marquess of Salisbury.)

## SECOND READING.

Order of the Day for the Second Reading, read.

*Moved*, "That the Bill be now read 2<sup>a</sup>."—(The Marquess of Salisbury.)

THE EARL OF MORLEY said, that, as that measure was of very considerable importance, he ventured to think it deserved to receive careful consideration before it became the law of the land. The time had passed when the necessity for legislation on this subject was disputed; but the subject was one of great complexity and great difficulty, and the Bill before their Lordships would affect a very large number of manufactories, and consequently very large manufacturing and commercial interests. Therefore, although he did not underrate the importance of improving the state of our rivers, yet their Lordships must not lose sight of the fact that any legislation would affect most materially a vast amount of industry. The Bill had been only a very short time before the country. It had only been distributed to their Lordships on Saturday last. He did not ask for a postponement of the second reading; but he would suggest that those who would be so much affected by the enactments of the Bill, should have an opportunity of expressing their opinions before the Committee was taken. This Bill differed very much from other Bills that had been laid before Parliament. In the Bill of 1873 no fewer than 10 different tests were set out, and that Bill would have enacted that no liquid which did not satisfy those tests should be allowed to flow into any river. The noble Marquess who had charge of the charge of the Bill now before their Lordships (the Marquess of Salisbury) had shown by experiments made at Hatfield one rainy day last year, that those tests were too delicate and too unwieldy to be embodied in a Bill. This Bill went to the other extreme, and proposed to deal with the question in an heroic fashion. It dispensed altogether with chemical tests, and made the common sense of the

County Court Judge the only test as to what was "filthy, noxious, or polluting." He spoke with all respect of the County Court Judges, but, originally, they were legal functionaries appointed to preside over Courts for the recovery of small debts. No doubt they had a fair share of common sense; but common sense was not such a common commodity as it was generally supposed to be. Practically, this Bill would give the County Court Judges control over manufacturing interests of the greatest importance; and, without any definition in the Bill to guide them, manufacturers might be put to a very large outlay by order of a County Court Judge. He ventured to think there would be a great deal of difference in the rulings of County Court Judges as to what would constitute an offence under the Bill, and he would point out that there was no appeal from his decision. Indeed, he would go further, and say that even in their Lordships' House there would be found various opinions as to what was pollution to a stream. In the Report of Dr. Franklin and Mr. Morton it was said—

"It is of the first importance, in carrying out any legislative enactment in connection with river pollution, that all river basins be uniformly dealt with. This has again and again been urged upon us by representatives of the staple manufacturers on the Mersey and Ribble basins. They state, and we think with reason, that it would be unfair, for example, to the calico printers of Lancashire to have a law stringently enforced against them, while in another river basin their competitors in trade were being treated with comparative leniency and indulgence."

In their evidence before the Committee of their Lordships' House scientific witnesses showed that they were not agreed on the point. Manufacturers did not know how to act; and if the County Court Judge called in the aid of experts their Lordships knew how conflicting were likely to be the opinions he would hear stated. He did not mean to assert that scientific witnesses were unduly biased on the side for which they appeared; but all of their Lordships who had served on Committees knew that the evidence of such witnesses when examined on the one side and the other, was usually to leave the Committee in the position in which it stood when the inquiry commenced, and to put out of its power any attempt to reconcile the conflicting scientific opinions. The Report

of the Committee of their Lordships' House stated—

"Two sets of experts usually come to opposite conclusions, and, instead of helping the tribunal before whom they appear to form a sound judgment, they only increase its embarrassment, and the general result is either that the Court, rejecting altogether the conflicting scientific evidence, arrives at what it considers a common-sense conclusion, or by some ingenious and fallacious process contrives to twist the discordant statements sufficiently into harmony to afford some justification for conclusions thus apparently based upon them."

He had said so much, not by way of opposition to the second reading of the Bill, but to point out the necessity of giving full time for a consideration of the Bill and an examination of the proposal to leave so much to the County Court Judge.

THE DUKE OF BUCCLEUCH said, that the object of the Bill was a very good one, but he could not conceal from himself that there would be very great difficulty in carrying it into effect. He had great experience with respect to the pollution of the rivers in Scotland, but he thought it would be very objectionable, if, merely because the manufacturers had been in the habit of polluting the rivers for upwards of 12 years, they should obtain the prescriptive right to continue to do so, merely by showing that they had taken some steps to prevent such pollution, and that these were the best means which they could adopt for the purpose. In Scotland it had been ruled that however long a person had possessed a manufactory, and had polluted the river, it gave him no prescriptive right to continue to do so. He did not think that the provisions of the measure generally were stringent enough, because there was no one appointed to put the law in motion. He thought it would be better if they appointed Inspectors—something in the character of Inspectors of Nuisances—who should examine the water, and on finding it polluted have the power of bringing the manufacturer before the County Court Judge—in other words, who should fulfil the office of public prosecutor. The rivers in Scotland were polluted to an enormous extent, and for a considerable distance from many towns the water of the rivers was altogether unfit for domestic purposes. In some parts of the Tweed it appeared bright and sparkling enough, and emitted no-

But that was not the only difficulty. It was to be borne in mind that Parliament took a bold step some years ago in the matter of drainage. Without inquiring too curiously what would be the effect to individual interests, it directed that the work should be done—they imposed on the local authorities the duty of draining towns and other places inhabited by large communities. The Government therefore had to deal with very complicated local governments and with people jealous of their rights and interests. What was to be done in this dilemma was a matter which could only be settled by arrangement. Undoubtedly there were difficulties which must be encountered by those who undertook to legislate on the subject of the Pollution of Rivers—they were difficulties inseparable from the constitution of the country. He could not concur with those noble Lords who had said that they saw no reason for the distinction which the Bill made between persons who had been polluting a stream for 12 years and those who had commenced to do so within a more recent period. If a man came to establish himself on the land of another person, he was a wrong doer, and that other person could at once drive him out; but if the man had been 12 years established on the land, that other person could not drive him out. He knew there was no legal parallel between that case and the case provided for in the Bill, but there was a moral parallel between them. He thought that if manufacturers had been allowed to go on pursuing a certain process for many years, and Parliament suddenly interfered to solve a problem, that solution ought to be sought for with some consideration for those manufacturers. As to what had been said about the local authorities being left to set the Bill in motion, he thought the noble Duke (the Duke of Buccleuch) had not a clear apprehension of the proposal—he seemed to think that only the local authorities had power to set the Act in motion. No doubt had that been so it would have been a defect in the Bill; but he would point out that the Local Government Board was charged with the performance of the duty in case the local authorities had failed to perform it; so that a responsible Minister of the Government would have to see that effect was given to the provisions of the Bill. He quite

agreed with what the noble Lord (Lord Aberdare) had said as to the importance of bringing the Bill to bear on a large area; and that, he apprehended, was the object of providing for Conservancy Boards in the way proposed by the Bill. There was, however, one point in respect of which he admitted the Bill was defective. As the Bill stood it did not confer sufficient power on Conservancy Boards to construct large drains in the centres of districts. He thought they could do this only by means of Private Bills, and when this Bill went down to the Commons it might be expedient to provide means for the Conservancy Boards to promote Private Bills for that purpose. As to the objections urged against the jurisdiction proposed to be given to the County Court Judges, in the first place, the Judges of the Superior Courts were already overworked. The County Court Judge was at once the Judge nearest to the locality and the Judge with the most time. To say that questions such as would arise under this Bill must be dealt with by Courts of great authority and not by the County Courts was to say that they must be brought to London—a proceeding which would be ruinous to the suitor and ruinous to the Bill itself. As to tests, if satisfactory tests could be embodied in the Bill, that, no doubt, would be a convenient and satisfactory arrangement; but he did not think they could be. The test of colour would be erroneous; the test of suspended matter would be futile, because it would always be found in an agricultural district after a heavy fall of rain; and as to the test of organic nitrogen, while there was still a dispute about it on a matter of scientific fact it would be going rather far to embody it in the Bill. But he did not think there would be that difficulty in coming to a decision which some noble Lords seemed to apprehend. They were only now dealing with the pollution of water; but it was a long time back since they commenced to deal with the pollution of air, and people who had noses had proved to be well able, by the old and well-known process, to decide what was a stink. In the same way he believed the County Court Judge would be able to decide, by common sense, what was the pollution of a river. It was for the persons who were affected by the pollution to say whether the water was pure or not, and



for the Court to decide and say what was to be done. We should not be able to do altogether without experts, but he hoped we should have as little as possible to do with them. Their opinions were weakened by the very accuracy and minuteness of their scientific knowledge. He did not pretend that a perfect remedy would be provided by this Bill. It was a tentative effort. He believed the Government were going as far as they could go in the matter, and that the Bill would effect a marked improvement in respect of the many evils complained of. If that improvement should prove not to be sufficient, it would be competent to Parliament, by means of future legislation, to again take the grievance in hand and have recourse to further means to remove it. It was, in his judgment, the wiser course for the Government to move by slow steps, and not attempt to go too far.

LORD SELBORNE said, that the discussion their Lordships had heard that evening showed the truth of the observations of his noble Friend (the Earl of Morley), that this was a Bill which ought not to be passed before time had been given to the great interests which it would affect to carefully consider its provisions. He had himself great difficulty in understanding what would be the operation of the Bill, and that difficulty had not been diminished—on the contrary, it had been increased—by the speech of his noble Friend who had just sat down (the Marquess of Salisbury). The noble Marquess did not appear to understand, as well as he might have been expected to do, some parts of his own Bill; because he first argued that prescriptive rights were not given to certain persons by Clauses 4 and 5 of the Bill, and then he went on to say that, of course, it was necessary to show some respect for vested interests. The real difficulty which presented itself in connection with the words of those clauses was to say whether they did save any interests; and if they did, whether they did not save a great deal more than his noble Friend intended them to save. In the first place, even the person who had caused pollution for 12 years or more was required to show that he had used, and continued to use, the best procurable and available means to “detain or render harmless” the polluting liquid, so that it should

not flow into the stream. If these words were to be read as requiring him to “detain” by the best available means, unless there were some available means of rendering the liquid harmless, this was not a matter of science; everybody could detain a liquid, in the sense of not letting it run into a stream. But, in that case, there was no greater tenderness shown to those who had polluted for 12 years, than to those who might only have begun their pollution yesterday. The distinction was illusory; and every man who could not purify the liquid must detain it, though at the expense, possibly, of the destruction of his business. On the other hand, if a man who had for 12 years polluted a stream, was meant to be at liberty to go on doing so, if he could show that there were no better means available than those which he was actually using, either to purify or to detain it, consistently with carrying on his business, this would operate in a direction exactly the contrary of that desired by the noble Duke opposite. He (Lord Selborne) did not see how it would be possible to get rid of scientific tests and the evidence of experts when the question was whether the best and most practical means had been used to render the sewage harmless. The hearing of such cases in the County Courts would be very likely to cause a serious derangement of their business, for some pollution cases in which he had been engaged had lasted many days, and even weeks. There seemed to be undue latitude in the definition of “streams”—for if any watercourse was to be deemed a stream within the meaning of the Act, it would go much further than could be intended, and in particular it would interfere with mining operations, which could not be carried on without using watercourses. Under any circumstances it was necessary that time should be allowed for the consideration of all these details throughout the country.

THE LORD CHANCELLOR said, the criticism of the noble and learned Lord related to the merest points of detail. What was meant by “detain or render harmless” was, of course, that one or two alternatives must be adopted—namely, either polluting matter must be kept out of a stream, or it must be rendered harmless before it was put in. If the definition of “stream” included

an "artificial watercourse," that could be remedied in Committee. His noble and learned Friend, also, had spoken of the 4th and 5th clauses, as "Saving clauses" as though they had created vested interests; but he, (the Lord Chancellor), contended that anyone could argue on vested interests by having polluted a stream for 12 years, and he denied that the Bill set up any such prescription. At present an offender enjoyed immunity, because individuals had either not the money or the direct personal interest to resort to litigation; but that was the only kind of immunity which the Bill recognized; but this Bill provided a cheap and speedy process of law and enabled persons interested to stop a nuisance at once. As the main object of the Bill was to invest an authority with power to restrain the pollution of rivers, we must in this as in other cases face the difficulty of selecting a tribunal. Doubtless there had been cases in which great expense had been incurred in raising questions which experts could do little more than quarrel about; but if the power conferred by the Bill was to be denied to subordinate Courts like the County Courts, and was to be given only to Judges of the Superior Courts, the practical effect would be that the Bill could not be put into operation on account of the difficulty and expense. There would be a large number of small cases which would be much better disposed of on the spot, on a view of the place by the County Court Judge, than they would be on affidavits supported by argument before a Superior Court in London. Their Lordships might very well consider whether in all cases the decision of the County Court Judge was to be final; but it would be premature to discuss that now. No doubt the Bill had been a short time before the public, but the discussion on the second reading in that House would call public attention to it.

LORD SELBORNE wished to say, in explanation, that he did not mean to affirm that any man could have a vested interest in the commission of a public nuisance. What he said was, that the Bill, as it stood, either created such vested interests, or that, if it did not do so and was not intended to do so, its terms were illusory.

THE DUKE OF SOMERSET said, that the noble Marquess had stated that there

were various ways in which water might be purified, or pollution prevented. So, no doubt, there were. They had had long discussions in that House about patents, of which there were 45,000 in this country. The moment the Act came in force the holders of some of these patents would step in, each claiming that he owned a patent for the only means by which pollution could be prevented, and in that way the work of purification would be a heavy tax on every manufacturer. Another result of its operation would be, that a manufacturer who could easily avoid pollution—say by possessing a site suitable for a subsidence pond—would get the Act enforced against a rival in trade who, for want of adjoining land, could not solve the difficulty so easily. No doubt, there would be many cases of this kind. It was 10 years since the first Commission on this subject was appointed, and the conclusion at which he had arrived, after reading much of the evidence, was that our rivers were hopelessly polluted, and that we never could make their water potable. The foul matters encumbering streams might be got rid of, but the notion of their supplying water fit to drink must be altogether put aside. Towns must be supplied with pure water for drinking purposes in some other way, and the sooner that was generally admitted the better it would be for their large towns.

Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on *Thursday* the 3rd of June next.

#### AGRICULTURAL HOLDINGS (ENGLAND) BILL.—(No. 98.)

(The Lord President).

#### THIRD READING.

Order of the Day for the Third Reading, read.

Moved, "That the Bill be now read 3<sup>a</sup>."  
—(The Lord President.)

The Queen's consent, and the consent of His Royal Highness the Prince of Wales in right of his Duchy of Cornwall signified.

EARL FORTESCUE: My Lords, I have tried more than once to address you on this Bill, but would not persist to the inconvenience of your Lordships:

*The Lord Chancellor*

Now, however, before it leaves this House I must entreat your indulgence for a few minutes, and a very few minutes only. I have been for some time of opinion, and have publicly said so during the last 12 months at several Agricultural Chamber and Farmers' Club meetings, that some legislation on the subject was desirable; in order, while maintaining freedom of contract, to alter the legal presumption all over England to what it is in those parts, where an enlightened custom of the country has gradually obtained recognition in the Law Courts. I therefore think the Government was right in bringing forward a measure on the subject. But though this Bill has been much improved in its passage through this House, I still object altogether to its plan; I object to much of its wording; and I object to some of the grounds alleged by the noble Duke, its author, for its introduction. I object to the plan of the Bill because it begins by laying down a general principle in the most sweeping terms in one clause, while materially restricting its legal operation by subsequent clauses. I can conceive nothing more unwise or impolitic in the case of a question which has excited a great deal of popular feeling, and where a certain number of just and reasonable demands are mixed up with other unjust and unreasonable ones, than first to make an apparent surrender of almost everything with the one hand, while afterwards quietly taking back the greater part with the other hand. Such a plan of legislation here I think most undesirable, not to say dangerous, from the landlords' point of view. Now, from the tenants' point of view, I think that, after you have limited, as I believe rightly, the tenant's compensation for any improvement to a sum not exceeding at most what he has expended upon it, it is most unjust to the tenant that you should further limit his claim for compensation to the case where the improvement has been successful; however honestly the work may have been carried out in accordance with the notice and description given of it to the landlord, and however complete may have been the landlord's consent and approval. Indeed, I felt this injustice so strongly that I had intended moving an Amendment about it; and was only deterred by the hopelessness of carrying it, and by

observing that the point had been noticed by others in the course of the discussion. Then in the interest of both landlords and tenants, I object to the general scheme of the Bill; so great a part of which is taken up with elaborate provisions about valuations and arbitrations, that its whole working seems to turn upon them. I therefore confidently anticipate that it will prove far less profitable to either land-occupiers or landowners than to surveyors and solicitors. Now with regard to these two highly respectable and useful professions, it should be remembered that their work is classed by political economists under the head of verificatory processes as distinguished from those of production or distribution: and that when the work of verification is artificially stimulated and increased by special legislation, an undue proportion of the wealth of the country will be unprofitably diverted into this channel; and either the cost of production thus needlessly enhanced, or its profits needlessly diminished. I object, therefore, to the expensive and complicated machinery of the Bill. I object further to some of its wording, and especially to the term "unexhausted" improvements as applied not merely to manures, which may not unreasonably be described as exhausted by one or at most a few crops; but also to buildings and bridges, to wells and watercourses, to roads and orchards; as if the buildings and bridges must fall down, the wells and watercourses choke up, the roads be stopped up, or the apple trees be blown down in the course of 20 years at most. The legal operation of this expression is indeed limited by other clauses; but the word itself is most unfortunate and misleading, and must tend to create grievous discontent with the measure. Lastly I object to one of the grounds prominently assigned by the noble Duke (the Duke of Richmond) for the introduction of the Bill—namely, increasing the production of food for the people. Time was, indeed, when that reason would have had just weight, in the days of the absurd sliding scale of the old Corn Laws, which we Liberals always denounced and the noble Duke so strenuously defended. For Protection did seriously restrict the supply of food to the people. But since its happy abolition immense quantities of food have been annually imported from abroad. And there is no

argument of the noble Duke's about corn which does not apply more strongly to coal. Coal is even more essential to our manufacturing and commercial prosperity; for fuel means force. Coal is some 20 times as heavy in proportion to its value as corn, and therefore cannot near as easily be supplied from abroad. Coal is not reproduced, and therefore our coalfields are in slow course of exhaustion; unlike our cornfields, which under skilful cultivation can go on yielding corn for an indefinite period. Lastly, there is no extravagant waste or folly known in the production of corn, which has not been, and is not, ten times surpassed in the getting and using of coal. But the real fact is, that when a Tory Government determines under popular pressure to legislate in a popular sense, it is very apt, as we have seen before, to take a leap in the dark; to use clap-trap arguments and announce sweeping principles, quite unconscious of the inferences and consequences logically deducible from the premises, which it has so rashly laid down.

*Motion agreed to; Bill read 3<sup>a</sup> accordingly.*

LORD PENZANCE moved to add at end of Clause 4 (Interpretation) the following definition of "letting value:"—

"The letting value means the value at which the holding could be or could have been let if the improvement had not been executed."

*Motion agreed to; Words added.*

LORD CARLINGFORD said, he was anxious at this stage of the Bill to give the House an opportunity of re-considering this one question—namely, what was the most proper measure of the value of the compensation to be awarded under this Bill. They had been told that the improvement should add to "the letting value" was a condition vital to the Bill. He confessed he did not understand that way of putting the matter. He was perfectly ready to agree that the improvement for which compensation was to be claimed should be such as would add to the value of the holding. But it was a practical question how the value and the improvement for which compensation was to be given under the Bill could best be measured. He ventured to doubt whether the measure adopted by the Bill was the best

from a practical point of view, and whether it was likely to be understood by persons hitherto employed in determining questions of this kind. He was not aware that those gentlemen had ever heard of the condition of "increased letting value." He had carefully looked into the provisions of the Bill brought into the other House by the late Mr. Pusey, and also into the evidence taken by the Committee over which Mr. Pusey presided, and he had not been able to discover the phrase "increased letting value." Many of the improvements to be executed under this Bill would not add to the letting value. It was the large improvements which would have an obvious and palpable effect on the rent of the farm, and which could be proved in a Court of Justice by the valuer or the tenant when he made the claim. But would that remark apply to the minor improvements under this Act—which would be far more numerous? It would be very difficult in those numerous cases of minor improvements, however valuable the improvements might be to the occupiers, for the tenant to give evidence to the satisfaction of a valuer or a Judge that they would necessarily add to the letting value of the farm at the moment as measured by the increased rent that would be obtained. He doubted further whether this condition was consistent with the other provisions of the Bill. In conclusion, he begged to move, in Clause 5, line 23, to leave out ("adding to the letting value thereof,") and insert ("the benefit of which is unexhausted at the time of his quitting his holding.")

VISCOUNT PORTMAN said, he had not interfered in the discussion of the Bill, because he had felt it did not apply, except in cases of the disability of the owner of land to give security to the occupier against the pressure of the successor to the estate; in fact, he had felt the force of "*suave mari magno &c.*" principle; but now he yielded to the wish expressed to him to address the House. He had, in years long past, been in the habit, as a member of the Royal Agricultural Society, of visiting all parts of England, and holding intimate and friendly intercourse with farmers of all grades in all parts of the country, and he found that a real grievance existed, and was felt by them to need a remedy. He brought in a Bill in 1841 and again



in 1843, which was supported by the present Lord Privy Seal, with some few other Peers yet alive, and was referred to a Select Committee, where it was amended and left for the country to consider. It was a Bill to give power to persons under disability to grant leases, and to make agreements for specified improvements on a fixed value, to be exhausted by yearly enjoyment, or to be paid for as the term of enjoyment was or was not completed. This House afterwards preferred to allow the subject to be considered in the House of Commons before taking any further step. Mr. Pusey, after conference with him (Viscount Portman), undertook the work, and although his Bill passed the House of Commons, it did not find acceptance in this House. Parts of it only were enacted in the Act called "the Emblement Act," wherein was a clause giving the tenant a remedy against the landlord, for the value of buildings he might have erected. The subject then dropped; because a system of loan was established which owners under disability were able to obtain a charge on their land to be payable by instalments by themselves and their heirs, really much better for all parties than expenditure of the money of the tenant; but in these more recent times an agitation of a larger kind had been created, and under its pressure it seemed that the Ministers of the Crown had decided to propose this Bill. In his (Viscount Portman's) opinion the great body of the occupiers of the land were indifferent to the subject, except so far as regarded the giving power to bind the successors of owners under disability. The chief agitators were the implement makers, the manure merchants, the lenders of money, and the borrowers of money. All those men wanted to get the security of the land for their money, and as soon as that was obtained, then to press on to abolish the law of distress for rent. There were, however, to be added some good farmers, who intended to quit their farms, who, in their last two years, by the aid of stimulants, could secure the utmost crop, and by the use of cake could improve the condition of the sheep and cattle to be sold off, and in addition to the gain from the artificial manure wished to get all they could persuade valuers to give them to add to their gain, rather than to secure themselves against

loss, for if they were so to be paid the probable loss would fall on the incoming tenant. Again, some farmers of capital desired to spend their money to avoid the payment of interest on money borrowed by the landlord, whereby such men could obtain double interest on their money by saving payment and by reaping the increased profit on the outlay. Improvement of a farm was made by continuous and steadily-continued good farming for a series of years, not by any sudden process; and although in some parts of the country larger crops might be obtained than could be grown by bad farmers, yet to talk of double crops was absurd, unless it was where none were grown, and all that was obtained thereon was of course double. Too much stimulant did not augment the profit of grain crops, but often lessened it, for it caused a mass of weak straw to grow, which fell as the grain became heavy, and the crop was often not worth half what it would have been with "good" farming as contrasted with what was called "high" farming. The tenant ought to have some advantage in his future lease for his improvements of the farm. His view had always been that increase of rent depended on extraneous causes to which the landlord had a fair claim, on the improvements made and paid for by the landlord, and on the improvements made by the tenant which should be allowed to him in the new rent. He had always been of opinion that the relations of landlord and tenant should be governed by contract—either by agreement or lease or other written contract—and he had let all his estates on written contracts for various terms of years, so he might say he was quite impartial as to the clauses of the Bill. He thought the great advantage of this measure was, that it would induce the generality of landlords and tenants to make agreements and define their engagements strictly. The words which Mr. Pusey deemed the best adapted for the purpose they were now discussing were—"The actual value of the improvement remaining after the termination of the tenancy," by which words he meant what remained to be paid of the sums previously fixed by agreement, in all cases, a necessary preliminary. His noble Friend (Lord Carlingford) proposed to use the word "benefit," but

he (Viscount Portman) preferred the present wording of the Bill. The Government had taken the right words, and had guarded them properly by the definition of his noble and learned Friend (Lord Penzance). In his opinion, if the present Amendment were agreed to, a great injury would be inflicted on the Bill and on the people of this country. Benefit implied an opinion formed by the valuer, while letting value meant rent which would be a fact established. To the three classes of improvement the words "letting value" were not equally applicable. To the first and second classes it was the best test; to the third class it was less applicable, because the so-called improvement was fugitive. It was, in fact, merely the use of stimulants to obtain a crop, and often was exhausted in one crop, or, in case of a dry season, was useless for any future crop. It was, in fact, the mode wherein a farmer was able to exhaust to the utmost the productive power of the soil, and yet it was capable of estimate in the increased letting value, by helping to maintain the land in a productive state, so that the rent was augmented by the continuous good farming of the occupier continued to the end of his term. He regarded this measure as one of very great value in one way. It would lead landlords to consider that Parliament thought it right that they should make their agreements in a particular direction, and it provided a remedy when the owner of the land was under disability to bind his successor. He trusted, however, that their Lordships would firmly adhere to this being a permissive and not a compulsory measure, and that they would take care to maintain the great principle of freedom of contract, which was the best for the landlords, the tenants, and the labourers who would derive benefit from their legislation.

THE EARL OF KIMBERLEY thought the most convenient way of estimating the value of an improvement was practically that which had been proposed by his noble Friend behind him. He wished to point out that while this clause professed to give to the tenant a capital sum, representing the unexhausted value of his improvement, as calculated by the increased letting value, that sum was, under Clause 7, subject to a proportionate deduction for each year of the tenancy, whatever might be the increased

letting value. This was sure to excite a letting of injustice, as the two principles of valuation conflicted.

THE EARL OF AIRLIE preferred the words in the clause, which he thought were clearer than the proposed Amendment.

THE DUKE OF RICHMOND said, the noble Lord who moved the Amendment (Lord Carlingford) had failed to convince him that it ought to be accepted by their Lordships. The definition given by the Bill of an improvement was "an improvement which adds to the letting value." The Bill declared that compensation should be given for that which added to the letting value, and one of the clauses set out in detail the manner in which that compensation was to be determined. The noble Lord said that valuers generally throughout the country would be employed—and he had no doubt they would be—on such occasions, but that they would not be competent to deal with the letting value of a farm. He could not conceive any body of men who would be more competent than men whose whole lives were passed in valuing property.

LORD CARLINGFORD said, he would not press his Amendment.

On Question that the Bill do pass,

THE DUKE OF ARGYLL: My Lords, as we have now arrived at the conclusion of our labours on this Bill, I trust the House will allow me to say a very few words on its general effect before it passes to the other House of Parliament. I am not sure that I recollect in my experience any similar case of a measure so important, so novel in principle, affecting such important interests, and having such extensive alterations made in it, and which, notwithstanding, has passed through all its stages without giving rise to a single division. I am sure that Her Majesty's Government will admit that we on this side of the House, while we have discussed it fairly, have shown no inclination to damage the Bill—and, on the other hand, we on this side quite admit that in conducting this Bill through the House my noble Friend opposite has shown that he was quite willing to receive suggestions from this side of the House made to improve its provisions. As the Bill now stands, though we may entertain different opi-

nions—and I entertain my own upon it—it will leave this House with the general assent and consent of your Lordships. I think, my Lords, this measure will have considerable effect upon the relations between landlord and tenants in England, and I will explain in a very few words what I think the effect will be. What is the state of things now, and what is it that it is supposed to require redress? I do not know that I can better illustrate the case than by telling the House a story that was told to me not many years ago by a very distinguished Member of your Lordships' House. I need not mention his name. My noble Friend told me that he had in a distant county in England an outlying estate, held by a very substantial tenant. It happened that he had never seen his property for some 12 or 15 years. On one occasion, however, he was hunting in the county, and visited a friend in the neighbourhood of this farm. Riding over to see it, he came to the place at which he imagined it to be. He looked round about him, and saw a large and substantial farmhouse, which he had never seen before, and a very handsome windmill. He came to the conclusion that he must have gone to the wrong place, and that neither the farm-house nor the windmill could be upon his property. He therefore asked a labourer whom he saw where such and such a farm was; whereupon the labourer said—"There it is, straight before you." My noble Friend found that his tenant had actually, without his knowledge or sanction, laid out a very large sum of money, not only upon the farm, but upon the farm-buildings. On asking whether there was any custom under which a tenant might have done so, he was told certainly not, but he was simply holding the land at will under the ordinary law of England, at six months' notice. The story made a great impression upon my mind. No Scotchman certainly would have done such a thing without having some security for it—my noble Friend opposite knows that very well. It is a splendid illustration of the confidence between landlord and tenant in England and of the moral atmosphere which could bring about such a state of things. At the same time, if I am asked whether it is a satisfactory state of matters, I say, as the French officers said of the Bala-

clava charge—"It is magnificent, but is it not war;" so I say of this—it is magnificent, but it is not business—it is an illustration of a state of things which calls for legislation such as the present, and I cannot help coming to the conclusion that in future there will be under this Bill clear written agreements for the letting and holding of land, and will induce landlords to insert in their leases some provisions giving compensation to tenants who might be obliged to leave their farms or who had expended their capital on the improvement of their holdings without opportunity of recovering that capital by any adequate length of possession. I cannot doubt that a feeling exists among many landlords in England which will still lead to discourage the letting of land on leases. As an instance of this feeling, I may mention that not many years ago a noble Lord a Member of this House possessed an estate in Scotland contiguous to my own and had lived upon it for a great number of years. One day I happened to meet him in this House, and he said to me, "I am about to sell my Scotch estate." "What for?" I asked him. "You seemed to be very fond of it, and to enjoy it very much." "Oh," he said, "I have been persuaded by an agent to adopt that abominable system of a 19 years' lease, and since then I have ceased to feel any interest in the estate, and intend to sell it." That was a speech that let a good deal of light on my mind as to the feeling which might exist in England between landlord and tenant. The objection on the part of some landlords to granting leases shows a state of things calculated to lead to the stagnation of agricultural industry. In the present day, if farming is to be successful and under the new conditions, landlords must learn to give up somewhat of the ancient feudal power which they formerly held over their property, and the tenants must have security for money expended under the new and costly system of farming which has come to be the custom in modern times. We must give them security for their tenures or assure to them a fixed term of years; if we do not give them leases we must give them some other security, that if they let on from year to year and laying out money on the improvement of the land they shall not be turned out of their farms

without compensation. With regard to the proposal that has been made to render the measure compulsory, I can only say that if it had been adopted every English landlord would have been compelled at once to re-value his farms, for the reason that tenants cannot be compensated in two different forms—they cannot have the advantage of low rentals, as is the case with a permissive system, and, at the same time, receive compensation for improvements either at the termination of their leases or after a certain lapse of time. Although I think that, as a general rule, low rentals are connected with bad and lazy farming, I cannot avoid the conclusion that a general re-valuation will have most mischievous effects. This measure cannot be made compulsory without involving a State valuation of rentals, for, without such a valuation, landlords will recoup themselves for the compensation they may be called upon to pay by an addition of £1 or £2 an acre to the rent of the land; and in that way tenants will be deprived of all the advantage the Bill is intended to confer upon them. We cannot, under a system of open competition, secure advantages to tenants unless we proceed the whole length of a State valuation; and are we to have regulation and over-regulation prices for farms? Such a state of things will not stand. So long as the Bill is permissive, it may have the effect of introducing voluntary agreements all over England; but any attempt to make it compulsory will be attended with infinite mischief. It is to the honour of the House that all parties have concurred in passing a Bill which is not an empty sham—which we have not passed because we think it will have no effect at all—but a Bill which we believe to be based on sound principles, and which will place landlords under strong and powerful motives to adopt agreements consistent with those principles. The Bill will have three great results—it will confer important powers on limited owners—which have long been enjoyed in Scotland under special Acts—it will make necessary written agreements all over the country, and it will allow compensation to go on as it does now in the form of low rents without necessitating—as a compulsory Bill would unquestionably do—

*The Duke of Argyll*

a simultaneous and universal re-valuation of farms.

THE EARL OF MALMESBURY said, that the discussion on the Bill showed how everyone was disposed to look at the question from the standpoint of how it would affect himself, or how it would affect the interests of the community with which he was himself most intimately connected; and this was the case with the noble Duke (the Duke of Argyll), for the relations between landlord and tenant in Scotland were far more businesslike than they were in England. But then the diversities were so great that the customs of the South of England could scarcely be understood in Scotland. There the farms were principally carried on by men with large capital, while in England a man might have no more capital than he had borrowed. Till very lately not one among 30 or 40 tenants had a signed agreement. When he himself succeeded to his property, he did not find a single properly written agreement in existence between the tenants and his father—all they had to rely upon were memoranda of verbal promises and detached portions of letters. In the enthusiasm of youth, he wished to change all that and give leases; but he found his tenants would not accept leases. In the case of one tenant at £1,000 a-year of a farm which had been in the family for more than a century a lease was accepted; but when it lapsed nothing could induce the tenant to renew it; and he preferred a yearly tenure. Tenants insisted upon going on from year to year, and they would not have leases because they thought they were more independent without them. Now under this Bill landlords and tenants would be obliged, in their own interests, to have written agreements. If the Bill had been a compulsory measure nothing would have induced him to assist in carrying it. Nothing could be more disadvantageous to farmers than a compulsory law. It would be humiliating to them as suggesting that they could not take care of themselves, and humiliating to landlords as implying that they could not be trusted to make fair agreements with their tenants. Whatever changes might be made in the Bill in the other House, at all events he trusted no attempt would be made to tamper or trifle with the great principle of freedom of contract.



THE EARL OF FEVERSHAM thought he might infer from the speech of the noble Duke (the Duke of Argyll) that discussion had changed his opinion of the Bill and had caused him to regard it with more approval than he did at first. For himself, believing it to be founded upon principles of justice between landlords and tenants, he saw no reason why it should not come into operation. The call for compensation for unexhausted improvements was not owing to any real want of confidence in the great bulk of the landed proprietors; but, no doubt, among the smaller landowners injustice had been committed in various cases, and tenants had often grievances to complain of, that in parting with the land they had received no compensation for improvements they had made. He hoped the effect of this measure would not be the introduction of leases as in Scotland, for in this country tenants had full security for their holdings—he had tenants on his own property who had held the same farm, father and sons, for generations. But this measure would be useful to the agricultural interest by laying down the principle on which compensation should be afforded; and if it was sound in principle, he saw no reason why it should not be generally adopted. He could not allow the Bill to pass without expressing his acknowledgments to the Government for having brought forward such a measure, believing that it would be of great use to the agricultural interest.

THE DUKE OF RICHMOND, in reply, said, he wished to say one word in consequence of what had been said by a noble Lord (Viscount Portman) with regard to that part of the Bill which related to freedom of contract. He stated most emphatically that the Government adhered to that principle enunciated throughout the discussion on the Bill—namely, that it was not their intention to interfere with freedom of contract, and that any interference with freedom of contract they should consider as tantamount to the defeat of the measure altogether. The Government fully appreciated the conduct of noble Lords on the other side; they were grateful to them for the very considerate attention they had given to the measure and for the many valuable suggestions they had made; and he must add that the opposition to the Bill had been conducted in

a manner that was most gratifying and satisfactory to Her Majesty's Government.

Bill *passed*, and sent to the Commons.

#### PEACE PRESERVATION (IRELAND)

BILL—(No. 100.)  
(*The Lord President.*)

#### SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF RICHMOND said, he need scarcely inform their Lordships that he felt very much the great importance of this measure which he had now the honour of asking them to read a second time, and the responsibility which attached to the Government for dealing with the question. But it would no doubt be in the recollection of their Lordships that in Her Majesty's most gracious Speech delivered from the Throne, these words would be found—Her Majesty stated that—

"The various statutes of an exceptional or temporary nature now in force for the preservation of peace in Ireland will be brought to your notice with a view to determine whether some of them may not be dispensed with."

He was sure he would not be contradicted when he said that no Government, whether formed of noble Lords and right hon. Gentlemen sitting on one side or the other of their Lordships' House and the House of Commons, could with any degree of satisfaction feel themselves compelled to propose measures which were of a stringent and coercive character directed against any portion of Her Majesty's dominions; and when these measures had once been passed it was the duty, as it must be the wish, of every Government that they should no longer be kept in a more stringent form than was absolutely necessary for the safety of the country for which they were enacted. Therefore, Her Majesty's Government had thought it right and proper, as it had been their agreeable task, to look into those various statutes now in force, and see whether the state of Ireland and the condition of the country were such as to render it wise and proper to modify those measures and to do away with certain portions of them which were of the most stringent character. And they believed they were able to do this as to many such provisions. This Bill dealt with three separate Acts of

Parliament—first, with the Peace Preservation Act of 1870 ; secondly, it dealt with the Act passed against Unlawful Oaths and Illegal Societies ; and, thirdly, with another Act passed for the protection of Life and Property in certain portions of Ireland, called the Westmeath Act. The Peace Preservation Act of 1870 amended an Act that was passed in 1856. The Act of 1856, introduced in that year, was a considerably milder form of legislation than prevailed in the year 1848 ; but in 1870, the noble Lord opposite (Lord Carlingford), in consequence of the disturbed state of Ireland at that time, thought it necessary to amend the law, and the Act of 1870 was the consequence. By the provisions of that Act persons, although duly licensed to carry arms, were not authorized thereby to carry or have revolvers in any proclaimed district unless with a special permission. The Act extended the Whiteboy Acts to proclaimed districts. That portion of the Act it was now proposed to repeal. It also gave the Lord Lieutenant power to grant general search warrants in proclaimed districts authorizing the person holding the warrant to enter into any house or place to execute the warrant, at any time—by night as well as by day ; and such warrants were in force for three months. It was proposed to abrogate this power by the present Bill. The Act also dealt with the sale of gunpowder : it gave arbitrary power to summon persons who were supposed able to give material evidence. The second part of the Act of 1870 gave power to the Lord Lieutenant to issue special Proclamations—a power which was now proposed to be given up by the present Bill. There were also what were commonly called the Curfew Clauses, which gave power to arrest at night under suspicious circumstances persons found in proclaimed districts who could not give a satisfactory account of themselves. That was now proposed to be repealed. There were also stringent and coercive powers given to the Lord Lieutenant to deal with the Press in Ireland, and to seize and deal with newspapers in a manner hitherto unknown in that country. The state of Ireland at that time might well be judged by the very coercive nature of that Act, which the noble Lord opposite felt himself bound to introduce and recommend to the consideration of Parliament. He believed, he might say, it was passed

with the general assent of Parliament—their Lordships did not think that the powers then asked were greater than the necessity of the case required. This Act was to expire in 1871. It had been renewed by other Acts for the protection of Life and Property in certain parts of Ireland for two years, and in 1873 it was further renewed till the 1st of June, 1875. He had now sketched very briefly and hurriedly the various Acts of a stringent nature which existed in Ireland, and he thought no Government would be justified in retaining them one hour longer than they were believed to be necessary for the protection of life and property in that country. The present Bill was a modification of the Act of 1870. In the first place, it enlarged the power of the licensing authority. It enabled that authority to extend the licence to carry arms, and made it obligatory to grant a licence to persons having an agricultural holding on the production of a certificate signed by two magistrates in the Petty Sessions district of the person producing the certificate. The Act also diminished the punishment for carrying or having arms contrary to the law from two years, with hard labour, to one year, without hard labour. It also provided that warrants of search for, and seizure of, arms should be executed only between sunrise and sunset, and it reduced the time during which the warrants were to run from three months to 21 days. These were concessions made by the Government in the other House to the feelings of Gentlemen who were deeply interested in Ireland. Then the Bill allowed a summary trial by the magistrates in Petty Sessions, with power of appeal if the punishment allotted was more than one month's imprisonment. It also modified the form in which compensation should be granted, making it necessary that the Grand Jury should be of opinion that material evidence was withheld ; and it gave the Judge large powers of review. These powers the Government proposed should be continued for five years. Then there was the 2nd and 3rd of the Queen—the Unlawful Oaths Act—modified by the 11th and 12th, relating to the administering and taking Unlawful Oaths, and to unlawful combinations and confederacies which had signs and passwords as a means of recognition, and also to societies for the distribution of arms. It

was quite evident that such societies, unless checked, might be the cause of considerable disturbance and danger, arising from the distribution of arms and the dissemination of revolutionary principles. Under these Acts the persons joining those illegal bodies were guilty of felony. The 11th and 12th of the Queen provided for the searching, under warrant, of places where those societies held their meetings in order to obtain information. By the 2nd and 3rd of the Queen, societies of Freemasons and Friendly Brothers which had registered themselves were exempt from penalty; but during the progress of the Bill through the other House of Parliament it was ascertained that some of those bodies in Ireland had not been registered, and the 4th clause of the Bill granted them an indemnity. With those modifications the Government proposed that the provisions of the Acts to which he had referred should be continued for five years. The third Act with which they proposed to deal was the Preservation of Life and Property Act of 1871. That Bill originated in the inquiries of a Committee of the other House of Parliament into the state of Westmeath, and parts of Meath and the King's County. Such a state of things was shown to exist that the Government of the day thought it necessary to come to Parliament for the very stringent provisions which were part and parcel of the Act as it at present existed. By that Act powers were given to the Lord Lieutenant and the Privy Council to enforce its provisions by Proclamation in the districts to which it referred, a statement to that effect being laid on the Table if Parliament was sitting at that time, and, if not, within 14 days after it had met. Power was also given to arrest and detain without trial any person suspected of complicity with the Ribbon Society. These powers were so stringent that anyone at this side of the water would be very much surprised if any Government were to ask for them; but we must not forget that this exceptional legislation was intended to deal with societies which for many years had had the most baneful effect on the condition of Ireland. He would venture to read a few words on that subject from the Marquess of Hartington when Chief Secretary for Ireland. The noble Marquess said—

"The reports we receive show that such a state of terrorism prevails that the society has only to issue its edict to secure obedience; nor has it even to issue its edict, its laws are so well known, and an infringement of them is followed so regularly by murderous outrage, that few, indeed, can treat them with defiance. Riband law, and not the law of the land, appears to be that which is obeyed. It reaches to such an extent that no landlord dare exercise the most ordinary of rights pertaining to land; and no farmer, employer, or agent dare exercise his own judgment or discretion as to whom he shall or shall not employ; in fact, so far does the influence of the society extend, that a man scarcely dare enter into open competition in the fairs or markets with anyone known to belong to the society."—[3 *Hansard*, cciv. 994.]

That was a true statement of the facts of the case, and though the Acts were stringent, the results showed that they had been wisely conceived and carried out with moderation and discretion up to the present time. This Westmeath Act the Government proposed to deal with in a different manner from the other two Acts, and to limit its continuance to two years. It was to be hoped that by the end of that time it might not be necessary to prolong it in its present stringent form. It was to be borne in mind that the fact that the other two Acts were to be passed for five years did not by any means imply that they would be enforced all that time, because it would be the duty of any Government—and an agreeable duty it would be—if the necessity for them no longer existed, to propose to Parliament to repeal them. It would be satisfactory to noble Lords on both sides to see that the legislation contemplated by this Bill was entirely in the direction of relaxation, and he hoped this would be an earnest of what the state of Ireland would allow to be done for the future. He hoped it might be the pleasing task of whatever Government might be in power still further to relax the severity of measures which were of an exceptional character, and that the day might not be far distant when it might not be absolutely necessary to have a different law in one part of Her Majesty's dominions from that which prevailed in another. He begged to move the second reading of the Bill.

*Moved*, "That the Bill be now read 2<sup>d</sup>."—(*The Lord President*.)

LORD CARLINGFORD said, this Bill was so important that he could not allow the second reading to pass without

taking the opportunity of offering a few general remarks upon it. His first feeling with regard to it was a hearty hope that it might be the last Coercion Bill they should ever see within those walls. His second feeling was that of satisfaction at the tone and substance of the statement their Lordships had just heard from the noble Duke. The noble Duke's statement was very fair to those who preceded him in office and whose painful duty it was to frame and carry the laws which the present Government were now partially repealing, and the statement was also fair and conciliatory to the people of Ireland. The Bill, in fact, amounted to a very large relaxation of the coercive code which had for some time been in force in that country. This fact, of which there could be no doubt, had been rather hidden by the course of events in "another place"—the almost endless Amendments moved by Irish Members during the progress of the Bill there, and the controversies to which those Amendments led, had concealed the fact that the measure very considerably relaxed the severity of the law. He did not grudge Her Majesty's Government any credit they might derive in Ireland from the fact that the Bill greatly relaxed the severity of the law; but he thought the people of Ireland ought to know that it was a fact, and that the Government and Parliament had been engaged all this time, not in framing a fresh law of coercion, but in largely relaxing the law which had been deemed necessary for some time past. With the very grave but still the limited exception of the Westmeath Act, the Peace Preservation Act, as it would stand in future, amounted to scarcely anything more than restrictions on the sale and possession of arms. If the Lord Lieutenant deemed it necessary, he might impose those restrictions widely; but, on the other hand, he might, if he deemed it safe and prudent, not apply the provisions of the law to any particular district. Of course, the Westmeath Act was a most exceptional measure, and one not to be justified except upon proof of absolute necessity. He hoped, however, it was known in Ireland that the late Government had had recourse to that Act with the greatest reluctance, and only upon proof of such necessity as made it the duty of any Government to endeavour to remedy the

evil. The Act was not passed until a full inquiry had been made by a Committee of the other House, consisting of distinguished statesmen of both political parties. Ribbonism was an evil which the ordinary law had always found the greatest difficulty in coping with, and nowhere was this fact more fully recognized than in the very districts which had been subject to the provisions of the Westmeath Act. Westmeath, Meath, and portions of the King's County had been acknowledged for years to be the hot-bed of Ribbonism. The most important omission from the existing Act which the present Bill made was, that, of the clauses relating to the Press; and here again he agreed with the noble Duke that unless positive necessity could be shown for the maintenance of such an exceptional enactment Parliament could not be called upon or expected to re-enact it. At the time when the law was passed there were, as the noble Duke had said, certain Irish newspapers which held, day after day, such language as no Government could allow to continue. These prints in various parts of Ireland were at that time using language, which amounted to a direct and audacious incitement both to rebellion and to individual assassination. That was a state of things which no Government, whether popular or despotic, monarchical or republican, could allow to continue without making some attempt at prevention. But things had now changed for the better, and he was not prepared to say that the Government would at this moment have been able to justify themselves to Parliament if they had proposed a re-enactment of the clauses affecting the Press. For himself he rejoiced heartily that they were able to let them go. The propriety of the large relaxations now proposed cast no doubt on the necessity of the original enactments at the time they were made. That necessity, he thought, was amply proved by himself, when as Chief Secretary for Ireland, he introduced in "another place" the Bill of 1870, and by his noble Friend Lord Hartington when he brought in the Westmeath Act in 1871. Not that in those two years the state of crime was unprecedented, for outrages and assassinations had been far more numerous in earlier times, for in 1847, when Lord John Russell's



Administration introduced their Bill, the number of assassinations in Ireland amounted to 160; but, nevertheless, at that period of 1871-2 crime in Ireland was bad, dangerous, and increasing—being, moreover, of that kind which excited terror and paralyzed the energies of the country. The power which the Government now possessed of relaxing those severe laws had been brought about first of all by the success of the laws themselves, and next, he must add as his firm conviction, by the success of other laws of a very different character which were passed by the late Government at the same time. It would be uncandid in him if he did not say this, because when he performed the painful duty of introducing the Bill of 1870, he remembered saying most distinctly that it was his great consolation that Government at the same time intended to pass other measures, not of coercion, but of reform, to the effect of which, by moral means, it looked quite as much, and, in the long run far more, for the peace and tranquillity of Ireland. Still, it was, of course, impossible to wait for the effect of permanent measures, which no one but an enthusiast could expect to act by magic. The then Government recognized the necessity of exceptional legislation, and that necessity was strongly illustrated by the very remarkable concurrence with which those measures were received by Parliament, and in almost every part of the House of Commons itself. It was an important fact, often forgotten, that the amount of Irish opposition to those measures was quite trifling. Not as many as 15 Irish Members, he believed, voted against the second reading of the Peace Preservation Bill in 1870; and the case was much the same the next year with regard to the Westmeath Act. It was difficult to know exactly what effect would be produced by the long debates which had recently occurred in “another place.” It was difficult for a bystander to judge. There seemed to have been a curious alternation of embraces and reproaches between the Treasury Bench and the Irish Members; but he believed it would be recognized in Ireland that both the Government and Parliament had brought to the consideration of this subject the utmost patience, and the utmost anxiety,

to deal with Ireland as we would deal with this country, if we were legislating for any part of England or Scotland under similar circumstances. In conclusion, he must express his belief that the spirit of conciliation which characterized the noble Duke’s speech to-night would not be without producing a good effect on Ireland.

LORD INCHQUIN said, he had no doubt the Bill was necessary—he regretted the necessity for its introduction as much as any Member of their Lordships’ House; but he joined in the hope expressed by the noble Duke on moving the second reading that, long before the expiration of the five years, it might be possible to repeal this measure.

Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House To-morrow; and Standing Orders Nos. 37. and 38. to be considered in order to their being dispensed with.

THE DUKE OF RICHMOND then moved that the House should meet to-morrow, at 12 o’clock, for the purpose of considering the Bill.

Motion agreed to.

#### ELEMENTARY EDUCATION PROVISIONAL ORDER CONFIRMATION (LONDON) BILL [H.L.]

A Bill to confirm a Provisional Order made by the Education Department under “The Elementary Education Act, 1870,” to enable the School Board for London to put in force “The Lands Clauses Consolidation Act, 1845,” and the Acts amending the same—Was presented by The LORD PRESIDENT; read 1<sup>a</sup>. (No. 104.)

House adjourned at a quarter before  
Nine o’clock, till To-morrow,  
Twelve o’clock.

#### HOUSE OF COMMONS,

Thursday, 13th May, 1875.

MINUTES.]—SELECT COMMITTEE—Report—Turnpike Acts Continuance [No. 209].  
PUBLIC BILLS—Ordered—First Reading—Parliamentary Seats (Peers of Ireland)\* [170]; Metropolitan Police (Surgeon, Clerk, &c. Superannuation)\* [172]; County Coroners (England)\* [174]; Ecclesiastical Commissioners (Fen Chapels)\* [173]; Pharmacy\* [175]; Glebe Loan (Ireland)\* [176]; Justices (Dublin)\* [171].

*First Reading*—Agricultural Holdings (England) \* [177]; Public Entertainments \* [178]; Saint Paul's Cathedral (Minor Canonries) \* [179].

*Second Reading*—National Debt (Sinking Fund) \* [142]; Customs and Inland Revenue \* [158]; Local Authorities Loans [123]; Endowed Schools Act (1868) Continuance \* [161]; Public Health (Scotland) Provisional Order Confirmation (No. 3) \* [167]; Towns Rating (Ireland) [139], *debate adjourned*.

*Second Reading*—*Referred to Select Committee*—Metropolis Gas Companies \* [82].

*Committee—Report*—Sale of Food and Drugs (*re-comm.*) [168]; Bishopric of Saint Albans [95]; Friendly Societies \* [2-169].

*Considered as amended*—Metalliferous Mines \* [120]; Pier and Harbour Orders Confirmation (No. 3) \* [143]; Matrimonial Causes and Marriage Law (Ireland) \* [79].

*Withdrawn*—Municipality of London \* [61].

#### ARMY—MILITIA ARMS STORES.

##### QUESTION.

MR. PAGET asked the Secretary of State for War, If Her Majesty's Government are prepared to make any allowance, in the nature of rent, for buildings originally provided and still maintained at the expense of the ratepayers, so long as they continue to be used for the purpose of storing the arms of Militia regiments?

MR. GATHORNE HARDY: Sir, it is under consideration to make allowance in the nature of repairs or a moderate rent, or both, for the buildings referred to, so long as they continue to be used for the same purpose. No provision was made for such an allowance under the Military Forces Localization Loan, and I am advised that the counties have no legal claim until a reasonable time has elapsed for supplying other storehouses.

#### NAVY—WIDOWS AND CHILDREN OF SAILORS AND MARINES.—QUESTION.

SIR WILLIAM EDMONSTONE asked the First Lord of the Admiralty, Whether his attention has been called to a scheme put forward in the "Army and Navy Gazette" of the 3rd of April last, for the organization and maintenance of a Fund for making provision for the widows and children of Sailors and Marines; and, whether he has considered how far the advantages named in such scheme could be reasonably expected to be realized on the basis proposed?

MR. HUNT: Sir, the scheme referred to by my hon. and gallant Friend has

been examined by the Accountant General, and his Report shows that no such provision as that proposed could possibly be made for widows and children in return for the contributions proposed to be levied, even if the whole of the continuous service men and a large number of boys, besides all the Marines and Coast Guard, were to subscribe, which would be very unlikely.

#### CRIMINAL LAW—COSTS OF PROSECUTIONS.—QUESTION.

MR. PAGET asked the Secretary of State for the Home Department, If he will avail himself of the power of the Act 14 and 15 Vic. c. 55, and sanction the payment to prosecutors and witnesses detained for a night at the Somerset Quarter Sessions, of allowances similar to those paid in adjoining Counties?

SIR HENRY SELWIN-IBBETSON (for the HOME SECRETARY) said, the existing rate of allowance to prosecutors and witnesses detained for a night at Quarter Sessions in certain counties was fixed by Sir George Grey, when he was Home Secretary. The Secretary of State had power to revoke the regulations issued under the present law with regard to this subject, and if the justices of Somerset had applied to the Home Secretary to alter the scale, no doubt it would have been conceded. The justices could make the application whenever they thought proper; but up to that time he was not aware that any formal application for the purpose had been made to the office.

#### REGISTRAR OF MARRIED WOMEN'S ACKNOWLEDGMENTS.—QUESTIONS.

MR. SALT asked the Secretary of State for the Home Department, Whether it is intended to abolish the office of Registrar of Married Women's Acknowledgments; and, if so, whether, as that office is now vacant through the death of the registrar, the appointment of a successor will not be carried out in order to avoid a claim for compensation?

SIR HENRY SELWIN-IBBETSON (for the HOME SECRETARY) said, there appeared to be some misapprehension as to the idea of abolishing the office alluded to. A vacancy occurred some time ago, and he was informed that an

appointment was made by the Lord Chief Justice, which was notified to the Treasury on the 7th of May.

In reply to Mr. CHILDERS,

SIR HENRY SELWIN-IBBETSON said, that as far as he was aware no condition had been made by the Treasury when the present holder of the office was appointed that, in the event of the office of Registrar being abolished, no compensation should be given.

In reply to Mr. CHILDERS,

MR. W. H. SMITH said, that the Treasury had no power to compel the person appointed to enter into the condition referred to.

#### POST OFFICE CLERKS—INCREMENT OF SALARIES.—QUESTION.

MR. R. SMYTH asked the Postmaster General, Whether the Clerks in the Post Office have a vested interest in the annual increments to their salaries, or whether these increments can be withheld from them for other reasons than personal misconduct?

MR. W. H. SMITH: Sir, the clerks in the Post Office have no vested interest in the annual increments to their salaries, which are granted for good conduct, and no increment is allowed to a clerk without a certificate that his conduct during the year has been in all respects satisfactory.

#### HIGHWAY EXPENDITURE.

##### QUESTION.

MR. PAGET asked the President of the Local Government Board, Whether, seeing that the annual Return (Letter D) of the Local Government Board, presented in January last, gives the total expenditure by overseers on account of Highways up to Lady Day 1874, it would not be possible to expedite the publication of the annual Abstracts of Highway Expenditure under the Act 12 and 13 Vic. c. 35. the last Return of which only brings the accounts up to Lady Day 1872?

MR. SCLATER-BOOTH, in reply, said, he hoped to be able to expedite the publication of the abstracts referred to, and that he had given directions having that object in view.

#### METROPOLITAN BRIDGES.

##### QUESTION.

SIR JAMES HOGG asked Mr. Chancellor of the Exchequer, Whether, in view of the fact that Committees of this House have reported that tolls on Metropolitan Bridges seriously impede traffic, and weigh with excessive severity on the poorest classes, and also in view of the fact that the present and late Governments have refused to sanction the plans of the Metropolitan Board of Works (brought forward in the Sessions of 1873 and 1875) for raising the necessary funds by means of the coal tax, which was the plan adopted by Parliament in the case of the Kew and other Thames bridges, the Government is prepared to give their approval to the enfranchisement of the bridges by borrowing on security of a county rate on the counties of Surrey and Middlesex, or to suggest any other course for attaining the object in view?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he had fully considered the matter to which the Question of the hon. Member referred, and to the proposal that was made for raising a sum of money on the security of the coal and wine dues; and they had seen several deputations on the subject, all entertaining very different views respecting it. He had brought the matter before his Colleagues, and they felt that it was a course which they could not sanction. He was now asked whether he could say, on the part of the Government, that they would be prepared to give their approval to another course, or whether they could not themselves suggest some other. He did not see, however, that the difficulties they might meet with in considering another plan might be as great, and he therefore could not commit himself or the Government to any plan whatever; but any proposal brought before them should receive careful consideration.

#### CRIMINAL LAW AMENDMENT ACT, 1871—PICKETING.—QUESTION.

MR. PENNINGTON asked the Secretary of State for the Home Department, Whether his attention has been called to the case of *The Queen v. Hibbert* and others, tried before Baron Cleasby at the Old Bailey on May 5th and 6th instant for conspiracy against the provisions of

"The Criminal Law Amendment Act, 1871," to molest by watching and besetting with intent to coerce, and to the contention by the counsel for the defendants that "to coerce" was not intended to apply to peaceable and orderly watching and persuasion, but was enacted against disorderly conduct calculated to produce fear or intimidation; if he is in a position to give any information to the House whether the sense contended for was in accordance with the intention of Parliament as expressed by the framers of the Act; whether his attention has been called to the charge of the Recorder of London to the Grand Jury, who laid down the Law accordingly, and also to the remarks of the learned Judge, who, in passing sentence, expressed his

"Feeling that the defendants did what they did, believing that under the Law as it existed they were only doing that which they had a right to do. There were difficulties in regard to the Law on the matter, and they might have acted under such a supposition as he had indicated;

whether under all the circumstances, as there is no appeal, the learned judge declining to reserve the case, he will advise the extension of the prerogative of pardon to the defendants; and, whether the Government will in the promised Bill to amend the Law, seek to make clearer the meaning of the Legislature?

SIR HENRY SELWIN-IBBETSON (for the HOME SECRETARY) said, his right hon. Friend's attention had been called to the case in question, and to the arguments used by counsel. With regard to the intention of Parliament it did not appear, from the usual records of the debates in the House of Commons, that the framers of the Act intended that peaceable persuasion should be made punishable; but an explanation of the Act was made by the Recorder in charging the Grand Jury. The same explanation was given by Baron Cleasby, in his charge to the jury on the trial of the defendants. Nevertheless, the Grand Jury found a true bill against the prisoners, and the other jury returned a verdict of guilty against them, and in the latter verdict Baron Cleasby expressly concurred. Under these circumstances it would appear that the acts of the prisoners amounted to something more than peaceable persuasion. The Secretary of State saw no reason for dif-

fering with the opinions expressed by the Recorder and by the learned Judge, and therefore he did not intend to interfere in the case. His right hon. Friend thought he was not called upon to state the intentions of the Government as to the amendment of the Act until he introduced the Bill, which he proposed to do after Whitsuntide.

#### EAST INDIA REVENUE ACCOUNTS—THE ANNUAL FINANCIAL STATEMENT.

##### QUESTION.

MR. ALDERMAN W. M'ARTHUR asked the Under Secretary of State for India, Whether the Indian Budget will be brought forward this Session at an earlier period than usual?

LORD GEORGE HAMILTON: Yes, Sir, it is the intention of Her Majesty's Government to bring on the Indian Budget at an earlier period than has been the custom in late years. I must add that previous Governments have shared this intention, and therefore I sincerely hope that circumstances will this year enable us to realize our intentions.

#### ARMY—SUBALTERN SUBSTITUTES.

##### QUESTION.

SIR HENRY HAVELOCK (for Major BEAUMONT) asked the Secretary of State for War, Whether, when Captains hold appointments in the Topographical or Adjutant General's Department for five years without being seconded, he will consider the case of Subalterns who may, in consequence, be called upon to do the duty of their senior Officers?

MR. GATHORNE HARDY, in reply, said, that in the absence of their commanding officers, the command of their companies naturally devolved upon the subalterns in accordance with the custom of the Service, and was not held to be one of those duties for which extra pay should be given.

#### PUBLIC WORKS LOAN ACTS AMENDMENT BILL.—QUESTION.

MR. FAWCETT asked Mr. Chancellor of the Exchequer, Whether he can name the day after Whitsuntide on which the Public Works Loan Acts Amendment Bill will be brought forward; and, whether it will be taken as the first Order of the Day?

*Mr. Pennington*



THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that from the importance of the measure, and the fact that the hon. Member intended to challenge the whole policy of the Government with reference to it, the Government would take care that a fair opportunity was given of discussing the question. He thought Monday, the 24th, would be a convenient day for bringing it on.

THE QUEEN *v.* CASTRO—CONTEMPT OF COURT.—QUESTION.

MR. WHALLEY said, he wished to put a Question to the Under Secretary of State for the Home Department, in the absence of the Home Secretary, of which he had given verbal Notice, but which had not appeared upon the Notice Paper in consequence of some irregularity in its form, in reference to the statement of the right hon. Gentleman that no action would be taken upon the Petitions which had been presented to the House relating to the proceedings taken for contempt of Court and other incidents of the Tichborne Trial. According to the last reports those Petitions had been signed by upwards of 250,000 persons, and he had reason for believing that they now amounted to upwards of 300,000. He wished to know, Whether the course taken by the right hon. Gentleman in the matter had received the approval of the Lord Chief Justice and the other Judges whose conduct had been impugned in those Petitions?

MR. SPEAKER intimated that the hon. Member was out of Order.

MR. WHALLEY ventured to ask the permission of the right hon. Gentleman in the Chair to state what he believed were the irregularities which had occurred in the course of the trial.

MR. SPEAKER said, that that was precisely the irregularity which, as he had pointed out to the hon. Member, could not be permitted.

MR. WHALLEY said, he wished further to ask, with reference to speeches reported in the public journals as having been made by the Lord Chief Justice at public banquets and elsewhere, calling for public indignation against those who had, by Petitions to Parliament or otherwise, expressed dissatisfaction with the proceedings in the Tichborne Trial, and stating that such

persons or some of them were seeking for their own purposes to undermine public confidence in the administration of justice, whether it was the intention of the right hon. Gentleman to take notice of that language as being inconsistent with the dignity and authority of the Lord Chief Justice, and whether, in the absence of the inquiry demanded by the numerous Petitions which had been addressed to that House, it was calculated to maintain or restore public confidence in the administration of justice—

MR. SPEAKER pointed out that the hon. Member was now asking for an opinion as to the conduct of the Lord Chief Justice, which was irregular.

SIR HENRY SELWIN-IBBETSON said, he thought the hon. Member for Peterborough could hardly expect him to answer a Question of that kind which had not been put on the Paper. If it was placed on the Paper, it would no doubt receive the attention of the Home Secretary.

PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.—QUESTIONS.

COLONEL BARTTELOT asked Mr. Chancellor of the Exchequer, What course would be taken with regard to the Friendly Societies Bill?

THE MARQUESS OF HARTINGTON asked what was the latest hour at which the second Order of the Day—the second reading of the National Debt (Sinking Fund) Bill—would be proceeded with, and whether under any circumstances the next two Orders—namely, the Committee on the Savings Banks Bill and the second reading of the Customs and Inland Revenue Bill—would be taken that evening? On Monday last the Secretary of State for War held out some hope that the Government would be able to state on what day the adjourned debate upon the Publication of Debates and the Exclusion of Strangers might be taken. Perhaps some information on the point could now be given, and perhaps also it could be stated whether it was the intention of the right hon. Gentleman at the head of the Government to move the Resolution of which he had given Notice.

MR. DISRAELI said, with regard to the adjourned debate on the question of Privilege, that it must of course come on after the Whitsuntide holidays, and that

he would communicate with the noble Lord with the object of fixing a day which would be convenient to the House.

THE CHANCELLOR OF THE EXCHEQUER intimated, with regard to the National Debt Bill, that he would not propose to take the second reading after half-past 10 o'clock, but that he hoped it would be reached at an earlier hour. As to the Savings Banks Bill, he thought it would be more convenient to have the Committee after the holidays. As regarded the Customs and Inland Revenue Bill, he was not aware that there was any opposition to it. A good many Amendments on the Friendly Societies Bill had been notified by himself and by other Members, and he thought it would be convenient to go into Committee *pro forma* on that measure with a view to having it reprinted. If that was done, he would propose that the discussion should be taken on Monday, the 31st instant.

PARLIAMENT—THE WHITSUNTIDE  
RECESS—COUNTS OUT.

MR. DISRAELI moved "That the House, on its rising, do adjourn till Thursday next."

MR. J. W. BARCLAY said: I rise with reluctance to call the attention of the House to the restrictions which have taken place on the opportunities which private Members have to bring before the House questions which they consider of importance to their constituents, and more particularly to the action of the Government with regard to the Sitting on Tuesday last. Four weeks ago I balloted for an opportunity of making a Motion. I was fortunate enough to have the first place for Tuesday afternoon. This Motion was of considerable interest to my constituents, and not only to them, but to the farmers of England and Scotland. I did not intend to anticipate the discussion which will, no doubt, take place on the measure now before the other House of Parliament; but I wished to make a statement with regard to some collateral matters which, I think, would have been of considerable importance to Members in coming to a conclusion with regard to that measure, and without which I do not think it can be fairly or properly discussed. On Monday afternoon the Prime Minister

*Mr. Disraeli*

suddenly informed the House that there was to be a Morning Sitting next day for the discharge of Government Business. In this way the most important part of the day—from 2 to 7 o'clock—was taken up by the Government, leaving for private Members only after 9 o'clock. I did not offer any opposition to the Government proposition, because I was unwilling to offer any obstacle to the conduct of Public Business, and because I believed there was an honourable understanding on the part of the Government that when they took an afternoon Sitting on a day devoted by the usage of the House to Private Business they would make some reasonable effort to make a House. Now, what I have to complain of is, that instead of making any effort to make a House, I have reasonable grounds for believing—and, indeed, the facts were such as to make me believe—that they had the power to make a House at 9 o'clock, and did not do so. I came down at 9 o'clock, and as soon as I rose to address the House, a few minutes after 9 o'clock, the hon. and learned Member for Marylebone (Mr. Forsyth) rose from the bench immediately behind the Treasury Bench to call attention to the number of Members present. I do not accuse the hon. and learned Gentleman of having any special interest to prevent the discussion of the Motion I was about to bring forward—indeed, he seemed to think, from the manner in which he discharged the duty, that he was vindicating some great constitutional principle, that there should always be 40 Members in the House; but I think, considering the tenacity with which he clings to the Treasury Bench, the intervention of the occupant of that bench would have been sufficient to induce the hon. and learned Member to restrain his impatience for five minutes, when a sufficient number of Members would have been present. What was the state of things when the House was counted out? On the Treasury Bench there had been previously two Members of the Government. One of these Members retired behind the Chair; there were also, I have reason to believe, in the Lobby of the House, three or four Members who usually sit on that side of the House, and are understood to be very amenable to the influence of the Member of the Government who is charged with the duty of making a House. Altogether,

on the opposite side of the House there were not more than five members out of the 36 who were present. Under the circumstances, if the Government had wished to make a House, they had the power to do so. I must also, in fairness, state that on the front Opposition Bench there was not a single Member, and if it had not been for the Members from Ireland, who were good enough to come down to make a House, the number of Members present would have been very restricted indeed. I have felt it my duty to state publicly these facts, that agricultural constituencies may judge of the amount of attention which questions affecting their interest command from the two leading Parties in this House; and I think it right also to state thus publicly the difficulties and obstructions placed in the way of independent Members when they desire to bring forward for the consideration of the House, Motions which may be considered inconvenient by the Leaders of the House.

MR. WHALLEY said, that as the hon. Member for Forfarshire had brought forward a grievance, perhaps the House would permit him also to state his complaint. On Friday last the right hon. Gentleman appointed as the First Order of the Day a question in precedence to the usual Motion of Supply, and he did that by obtaining the consent of the hon. Baronet the Member for Chelsea (Sir Charles Dilke) alone, without consulting any of the other hon. Members who intended to avail themselves of the opportunity of bringing forward Motions upon going into Committee of Supply. That appeared to him to have been a most unusual and a somewhat unfair course of proceeding. He should be glad to have some assurance that the Government would in future, if Supply was left upon the Paper on a Friday night, not deprive hon. Members of the opportunity of speaking upon the Motion that the Speaker do leave the Chair.

MR. NEWDEGATE: Sir, the difficulty in which the hon. Member for Forfarshire (Mr. J. W. Barclay) has found himself, affords but one illustration out of many of the hopeless position in which the unofficial Members of this House find themselves with respect to the Business they introduce. This difficulty has arisen with respect to Notices of Motion; but the confusion which the Order Book exhibits, among the Bills

introduced by the unofficial Members of this House, appears simply inextricable; unless now, or after Whitsuntide, some system of reviewing the contents of the Order Book be adopted, and the House should decide which of the Bills introduced by unofficial Members of the House are worth retaining, as likely to become law. I desire, especially, to refer to the position of the Order for the Second Reading of the Monastic and Conventual Institutions Bill. [*Ironical cheer.*] Hon. Members must not, for one moment, suppose that I misunderstand the meaning of that cheer. It proceeds from those who desire to perpetuate that which I consider the undue multiplication and extension of these establishments, and to shield them from all inquiry. With this object, they have adopted that which I may describe as the policy of confusion, with respect to the Business of the House; their purpose being to prevent any matters connected with these establishments from being considered by the House. For this purpose, they have loaded the Order Book with Bills they never expect to pass, have written it full of Notices of Motion, entered for the mere purpose of obstruction, and have resorted to every stratagem and means of delay. This policy of confusion has been pursued with marvellous success during the last four or five Sessions; with such success that, although the Bill has been introduced in each of the past five Sessions, including the present, it has only once been possible to bring the Bill on for second reading. The question touched by this Bill is no small question, no insignificant matter; it involves a subject which has forced itself of late years on State after State, and Country after Country, in Europe, and has been dealt with successively by the Legislatures and Governments of those countries. The object of those who have adopted the policy of confusion is to prevent, to debar this House from considering anything connected with these Monastic and Conventual Institutions, and, as I have said, they have been marvellously successful in this process of incapacitating this House. Early this Session, I warned the House that for lack of due regulation in their Business, the unofficial Members—the great body of the Members of this House—were being incapacitated from the due performance

of their duties. I would beg the House to consider what is its principal function? It is that of being the tribunal before which whatever grievances may be felt by any section of the community may be brought, and in which remedies may be suggested and considered. Now, the multiplication of these Monastic and Conventual Institutions, the circumstances under which they exist, and their effects on society, is considered a grievance by hundreds of thousands of persons in this country, as their Petitions testify; and their Representatives are debarred from duly submitting their grievance for the consideration of the House by this policy of confusion. The House would never hear me remonstrate and complain, as I now do, of any decision on this subject at which the House might fairly arrive, however adverse that decision might be to my views. But I do warn this House against permitting a perpetuation of this policy of confusion, which precludes us from the performance of the duties we have been sent into this House to execute. When I brought this subject—the probable state of its Business towards the close of the Session—before the House, the right hon. Gentleman the First Lord of the Treasury replied, in substance, that the confusion prevalent in the Order Book in the Business introduced by the unofficial Members was, in his opinion, perfectly natural and legitimate; that the Bills they introduced could only be considered tentative; that, in short, so far as he was concerned, the unofficial Members might struggle with, and strangle each other as much as they chose; and that, if they got tired of that occupation, the Government would be very happy to accept any additional portion of the time allotted to them—in short, the right hon. Gentleman seemed to think that the Government derived a legitimate advantage from the confusion which prevails in the Business of the unofficial Members. The Order for the Second Reading of the Monastic and Conventual Institutions Bill now stands for Friday, the 21st; the Government have on that night the right to give precedence to their own measures. I conclude that they will avail themselves of that right, and I give the right hon. Gentleman Notice, that I will on this day week ask him, Whether he will consent, after Whitsuntide, to appoint a Morning Sitting for the consideration

of the second reading of the Monastic and Conventual Institutions Bill?

MR. LOCKE deeply regretted the hon. and learned Member for Marylebone (Mr. Forsyth) should have counted out the House on Tuesday night, inasmuch as he (Mr. Locke) had the Jersey Courts Bill on the Paper for that evening, and he believed his hon. and learned Friend was opposed to that Bill. He hoped, however, that it was not on that account that the House was counted.

MR. HART DYKE: Sir, I had hoped that this Session might have passed away without my occupying the attention of the House even for one moment; but as the hon. Member for Forfarshire (Mr. Barclay) has rather pointedly alluded to me, I should like to say a few words. The hon. Member for Forfarshire seemed to lead the House to infer that it was possible for me to have asked the hon. and learned Member for Marylebone (Mr. Forsyth) to have delayed the proceeding which he adopted. Now, the facts are these. I am sorry to say that I was too late in entering the House to delay these proceedings, and was just coming in when I heard the bell ringing. With regard to the other remarks of the hon. Member, I will be perfectly frank with him and the House. I did not use any strenuous efforts on Tuesday night. I believe that it has not been considered the duty of the Secretary to the Treasury to keep a House on those nights which are devoted exclusively to the business of private Members. In the position which I occupy there is nothing more important than that I should consider the feelings and instincts of Members on both sides of the House with regard to these matters; and I am bound to say that on Tuesday a vast number of Members did express to me the most fervent hope that there would not be a House, and that a great proportion of these Members, curiously enough, represented constituencies exclusively North of the Tweed. Further than that, I have only one remark to make. I noticed that when the House was counted more than three-fourths of those present represented Irish constituencies. That struck me as a peculiar feature when the Motion was one affecting the conditions of tenancy and land laws of Scotland. I can only add that if I had the least idea that hon. Members from Ireland were so intensely

*Mr. Newdegate*



anxious to keep a House on a question peculiarly affecting Scotland, and if they had expressed a wish to that effect to me, it would have been to me not only a pleasure, but a luxury to have met them.

COLONEL MURE said, after all the question before the House was a Scotch question, because the hon. Member (Mr. Barclay), who considered himself the spokesman of the farmers of Scotland, had given Notice that he would call attention to the melancholy relations at present existing between farmers and their landlords in Scotland. [Mr. BARCLAY: No.] Now, the real reason why the Scotch Members and other hon. Members did not come down to the House on that evening was because the Scotch Members especially were aware that there was nothing whatever in the relations between landlords and tenants of Scotland that called for the intervention of the hon. Member. ["Order!"]

MR. SPEAKER said, it would be out of Order for the hon. and gallant Member to discuss the merits of the Motion of the hon. Member (Mr. Barclay).

COLONEL MURE said, he was simply about to remark in regard to the presence of 30 Irish Members to support the hon. Gentleman, that the relations between landlord and tenant in Scotland were very different from those existing in Ireland. He believed he should be supported in what he said by the majority of the Scotch Members, when he stated that the relations between landlord and tenant in Scotland at present were excellent.

MR. FORSYTH begged to express to the hon. Member for Forfarshire his regret if he had put him to inconvenience, and to assure him that he had received no hint from the Government to take the course which he adopted on Tuesday evening. His action was entirely spontaneous and unpremeditated. When he came down to the House there were only 12 Members present, and as there was a prospect of a dull and tedious Scotch debate, and as only four or five Scotch Members were present, he called attention to the fact that not more than 40 Members were in the House. The number was at once raised to 36 by an influx of Irish Members. He had been in the House for five hours in the earlier part of the day; and as to what the hon. Member for Southwark (Mr. Locke) had

said, he assured him that he was not afraid to meet him on the Jersey Courts Bill, but he did not wish to be kept waiting until half-past 12, up to which hour the Bill might possibly have come on. He also thought the Speaker was entitled to some relaxation.

CAPTAIN NOLAN vindicated the Irish Members for coming down on Tuesday night, because they thought an hon. Member who was supposed to represent the Scotch farmers ought to have an opportunity of stating the alleged grievances of that class. In his opinion, Morning Sittings were very disagreeable, and they did not at all advance Public Business.

MR. DISRAELI: I hope, Sir, there will be no further opposition to the Motion, which I feel sure will be pleasing to both sides of the House. I never favoured a "count-out," and I am quite sure that I have never contributed to one; but, at the same time, as a general observation, I must say that a "count-out" never takes place when the subject is one of general interest. I do not think the hon. Member for Forfarshire (Mr. J. W. Barclay) has anything to complain of. He may have been unfortunate; but I do not think any combination of circumstances could bring about the result he deprecates, and which has given occasion to a very generous admission on the part of the Irish Members which ought to console him. The hon. Member for Peterborough (Mr. Whalley), however, made a distinct charge against the Government—that by putting Ways and Means instead of Supply upon the Paper as the First Order, they prevented him and other Members from exercising a Privilege to which they were entitled. I can assure the hon. Member that he is quite under a mistake; for by the Orders of the House, it is open to the Government to place either Supply or Ways and Means upon the Paper. We placed Ways and Means in order that the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) should bring forward the subject of the financial propositions of the Government, and I believe we made that arrangement with the entire concurrence of the whole House.

MR. DILLWYN maintained, that when the Government invaded those days set apart for private Members, they were bound to do their utmost to keep a House for them at the Evening Sittings.

MR. BAILLIE COCHRANE pointed out that there had been a great deal of time spent over questions of Privilege. Any hon. Member had only to say he had a question of Privilege to bring forward, and he immediately took precedence of all the private Members who had obtained by ballot a day for their Motions. The hon. Member for Peterborough (Mr. Whalley) had an everlasting Motion to bring forward.

Motion agreed to.

House at rising to adjourn till Thursday next.

#### SALE OF FOOD AND DRUGS (*re-committed*) BILL.

(*Mr. Solater-Booth, Mr. Clare Reed.*)

[*Progress, 11th May.*]

[BILL 83.] COMMITTEE.

(In the Committee.)

#### *Proceedings against Offenders.*

Clause 21 (Power to justices to have articles of food and drugs analyzed).

Page 7.

Amendment proposed,

In line 5, after the word "by," to insert the words, "the chemical officers in the employment of the Inland Revenue Department, who shall thereupon make the analysis, and give a certificate to such justices of the result of the analysis; and the expense of such analysis shall be paid by the complainant or the defendant as the justices may by order direct."—(*Mr. Pell.*)

Amendment proposed to the proposed Amendment—

To leave out from the words "and the expense," to the end thereof, in order to add the words, "and the expenses of such examination, analysis, and attendance, shall be deemed part of the expense of the executing this Act, unless the justices order the same to be paid by the complainant or the defendant."—(*Mr. Grant-ham.*)

Question proposed, "That the words proposed to be left out stand part of the proposed Amendment."

MR. RODWELL opposed the Amendment moved by the hon. and learned Member for East Surrey. He thought the Amendment, if adopted, would place the justices in a very invidious position. He much preferred the Amendment of the hon. Member for Leicestershire (Mr. Pell).

MR. SCLATER-BOOTH said, he should accept the Amendment of the hon. Member for Leicestershire.

DR. C. CAMERON said, that in the absence of his hon. and learned Friend the Member for East Surrey, he felt it his duty to push his Amendment to a division. If the Inspectors were to be punished they would not work out the measure.

MR. BARING said, he could not support the Amendment of the hon. Member for Leicestershire. If the costs were put on the person who had committed the error, the provision would be a much more equitable one.

Amendment (*Mr. Pell*) agreed to; Clause, as amended, agreed to, and ordered to stand part of the Bill.

Clause 22 (Appeal to quarter sessions) agreed to.

Clause 23 (In any prosecution, defendant to prove that he is protected by exception or provision) agreed to.

Clause 24 (Defendant to be discharged if he prove that he bought the article in the same state as sold, and with a warranty. No costs except on issues proved against him).

MR. RODWELL moved, in page 8, line 21, after "effect," to leave out "and with a warranty in writing to that effect;" his object being to relieve the retail trader of the necessity of producing a "warranty" from the wholesale dealer if he could prove in any other way that he sold the goods in the state in which he received them. He thought the production of the invoice would be quite sufficient.

MR. MUNDELLA suggested the substitution of the word "or" for the word "and." The dealer would then only have to prove that the article was in the state in which he purchased it, or have to produce a warranty to that effect.

MR. RODWELL intimated his readiness to withdraw his Amendment in favour of the alteration proposed by the hon. Member for Sheffield.

MR. SCLATER-BOOTH said, the assumption had been throughout that the retailer was to be responsible for the purity of the article which he sold, and it was quite evident that the Committee adhered to the principle that the seller should be held responsible, unless he could satisfy the Court that he was not guilty, and that somebody else was guilty. If the words referring to the warranty were left out, the retailer would

escape, and what remedy would the purchaser have? He hoped the Amendment would not be accepted, even with the alteration suggested.

SIR HENRY JAMES said, the hardship entailed upon the retailer by retaining the clause as it stood would be obviated if he were enabled to obtain a written warranty as to the quality of the goods he purchased from the wholesale dealer, such warranty to be a sufficient answer to any charge that might be brought, except as far as the person giving the false warranty was concerned.

MR. FORSYTH said, he thought it would be unfair to impose upon the retail dealer a penalty for selling a thing which he had purchased in good faith from the wholesale dealer.

MR. VILLIERS said, the whole measure was a wholesale dealers' Bill, with the exception of the proposal that retail dealers should be entitled to obtain written warranties as to the quality of the goods which they purchased from the wholesale dealers. He hoped this security would be retained in justice to the retail dealing class. The hon. and learned Member for Cambridgeshire (Mr. Rodwell) ought not to have proposed the Amendment unless he had authority to speak in the name of the retail dealers.

THE SOLICITOR GENERAL held that the general scope and object of the Bill was to protect the public, and to throw upon the retail dealer the onus of proving that he did not sell adulterated articles. If the words proposed were struck out, the justices who had to try cases would be at the mercy of the retail dealers. He thought that nothing could be easier than for the wholesale dealers to give the written warranties required by the retail dealers.

MR. MUNTZ said, he thought it only just that the retail dealers should have something to fall back upon in the way of warranties from the wholesale dealers in reference to the goods they sold. The certification could easily be written on the invoice and that ought to be sufficient.

MR. HENLEY was of opinion that the written warranty of the wholesale dealer should be a sufficient answer to any charge of dealing in adulterated articles brought against a retail trader.

SIR THOMAS CHAMBERS said, he could not see how a warranty would be

the slightest protection to the retail dealer. If he obtained a warranty, and it was afterwards proved that the article he sold was adulterated, it would simply prove that he had adulterated it. These words could not, therefore, be left in at all, either with the words "and" or "or."

LORD FRANCIS HERVEY was anxious that these words should remain in the clause.

MR. MUNDELLA contended that it was impossible for every person who sold a gallon of milk or a firkin of butter to give a warranty for it, as one was supposed to give in the case of a horse.

MR. CAWLEY said, that the retention of the words of the clause as they stood was absolutely necessary. They would protect the retail dealer. He would simply have to prove that he sold the article in the same state in which he purchased it from the wholesale dealer.

MR. LYON PLAYFAIR said, he thought that if ignorance were to be pleaded by the retail dealer he ought to have a warranty from the wholesale dealer. It would be almost impossible to obtain a conviction under this clause, and he suggested the omission of the words "to that effect," which should be read in conjunction with a warranty in writing.

MR. ALDERMAN COTTON recommended the Committee to adopt the word "or," and give the retail dealer a fair chance of escaping.

SIR HENRY PEEK said, there was very great difficulty in defining the meaning of the word "adulteration," and this had been felt by the Committee. The wholesale dealer was as much at the mercy of those from whom he obtained the article as the retail dealer was at the mercy of the wholesale dealer. How could he tell whether the article sold to him was or was not adulterated? He (Sir Henry Peek) sometimes made contracts in the West Indies for certain marks of arrowroot; but if, when it arrived in the docks, a purchaser came to him and said—"Give me a warranty that it is genuine," he should instantly reply—"Not if I know it." He should tell anyone who wanted to buy to go and look at it in the docks, adding—"If you don't like it, don't buy it."

MR. SOLATER-BOOTH said, he hoped the Committee would perceive

that, unless they retained these words, the principle of this Bill and the previous Acts must fall to the ground. He admitted that the clause might be rather hard on the retailer; but, on the other hand, all reasonable concessions had been made to him. To adopt this Amendment would be to depart from the pledge which the Government had given to retain the principle of the Bill unimpaired.

*Amendment negatived.*

MR. RODWELL moved, in page 8, line 21, after "effect," to leave out to the end of the clause, and insert—

"Upon such proof the justices or court shall dismiss the case and may order the prosecutor to pay such amount of costs to the defendant as they may think fit."

The object of this Amendment was to protect the retail dealer from any act of oppression under this Bill.

MR. SCLATER-BOOTH said, he had no objection to make the language of the latter part of the clause more clear; but the real effect of the Amendment would be to make the purchaser of adulterated goods, who had succeeded in proving the adulteration, pay the cost of the prosecution. This would be a monstrous proposal.

*Amendment negatived.*

MR. SCLATER-BOOTH moved, in line 22, to leave out from "prosecution" to the end, and insert—

"But shall be liable to pay the costs incurred by the prosecution unless he shall have given due notice to him that he will admit at the hearing the matters charged against him in the information."

SIR HENRY JAMES considered that the Amendment was too vague in its terms.

MR. SCLATER-BOOTH promised to further consider the subject before the Report.

*Amendment agreed to.*

MR. SANDFORD said, there were three parties whose interest were to be considered in the Bill—first, the consuming public; secondly, the retailing traders; and, lastly, the wholesale dealers. The latter were the chief sinners in matters of adulteration, any adulteration committed by retail dealers being usually on a small and insignificant scale. Under the clause as it stood the interests of the consuming public

*Mr. Sclater-Booth*

were not consulted at all; the retail dealer was protected, while the wholesale dealer escaped altogether. If the clause passed a regular traffic might be carried on in adulterated goods, and at the same time under a written warranty. He moved, in page 8, at end, to add—

"When a defendant is discharged under the provisions of this section, the justices or court in their discretion may summon before them any person by whom, or by whose agent or servant, the warranty was given, and the like proceedings may be had against such person as if proceedings had been taken against him under the other provisions of this Act, and the same justices or court shall have jurisdiction for all the purposes of the new proceedings, notwithstanding that such person does not reside and is not found, and the article was not sold, nor the warranty given, within their jurisdiction: Provided, That no person so summoned shall be convicted unless he appear, or the justices or court are satisfied that the summons was served upon him personally or came to his knowledge."

MR. SCLATER-BOOTH observed, that if the Amendment were passed, it would be impossible to know upon whom the function of prosecutor was to be devolved. He could only assent to the clause proposed on that question being placed beyond doubt.

SIR HENRY JAMES said, there were many legal difficulties against carrying out the Amendment. If adopted, alterations must be made in it to enable it to be put into operation.

THE SOLICITOR GENERAL, said, that would be so. The Bill would be better without the Amendment. The retailer when he found he had an adulterated article sent to him by the wholesale dealer should be left himself to proceed against the wholesale man.

MR. DODSON suggested that the Amendment should be withdrawn.

MR. SCLATER-BOOTH said, he should prefer further time to consider the matter.

*Amendment, by leave, withdrawn.*

On Motion, "That the Clause, as amended, stand part of the Bill."

LORD FRANCIS HERVEY moved the omission of the clause, which, though it had given rise to much discussion, was clearly satisfactory to nobody, and, as it stood, extremely complicated.

*Motion negatived.*

*Clause agreed to.*



Clause 25 (Application of penalties).

On Motion of Mr. SCLATER-BOOTH the following Amendments were agreed to:—Page 8, line 28, after “constable,” insert “of the authority who shall have appointed an analyst, or agreed to the acting of an analyst within their district;” page 8, line 28, after “to” leave out “the prosecutor,” and insert “such officer, inspector, or constable.”

SIR HENRY JAMES said, he thought that the period within which a person charged with having committed an offence under the clause might be prosecuted should be extended from six months to 12 months after the warranty.

MR. SCLATER-BOOTH said, he would consider the point.

SIR ANDREW LUSK said, he thought that the penalties fixed by the clause were too severe, and would prevent magistrates from convicting under the Act.

MR. SCLATER-BOOTH intended to propose on the Report that the words “not exceeding,” which would give the magistrates the power of mitigating the penalties, should be inserted in the clause.

Clause, with Amendment, *agreed to*.

Clause 26 (Punishment for forging certificate or warranty; for wilful misapplication of warranty; for false warranty; for false label), *agreed to*.

Clause 27 (Proceedings by indictments and contracts not to be affected), *agreed to*.

#### *Expenses of executing the Act.*

Clause 28 (Expenses of executing Act).

CAPTAIN NOLAN moved an Amendment, the object of which was to throw the expenses of carrying the Bill into operation upon the poor rate in Ireland, which was paid by the owners and occupiers, in place of upon the grand jury cess, which was paid by the occupiers alone. Should the Government not assent to the Amendment he should feel bound to divide the Committee upon the point.

Amendment proposed, in page 9, line 30, to leave out from the words “by the grand jury cess,” to the end of the Clause, and insert the words “from the poor rates.”—(Captain Nolan.)

MR. SCLATER-BOOTH opposed the Motion, on the ground that it would introduce the anomaly of having the appointments and the payments confided to different authorities.

MR. O'SHAUGHNESSY supported the Amendment, and said that the policy adopted in the clause represented a retrograde principle, from which the Government were obliged to depart the other evening in the case of the Explosive Substances Bill.

SIR MICHAEL HICKS-BEACH observed, that in the Explosive Substances Bill a new charge was imposed for a new purpose, but that was not the case in the present Bill. If the charge in the present case was to be paid out of the poor rate there would be a great anomaly, as the guardians had no control over the appointment of the analysts.

Question put, “That the words ‘by the grand jury cess’ stand part of the Clause.”

The Committee *divided*:—Ayes 105; Noes 38: Majority 67.

Clause amended, and *agreed to*.

#### *Special Provision as to Tea.*

Clause 29 (Tea to be examined by the customs on importation).

MR. YEAMAN moved in page 10, line 10, after “stores,” to insert—

“But may be delivered for exportation with the sanction of the said Commissioners, and on such terms and conditions as they shall see fit to direct.”

MR. SCLATER-BOOTH was unable to assent to the Amendment, which, if adopted, would prohibit the use of teas in this country, although the adulteration might be of a trifling character. He thought the Commissioners of Customs should have a discretion in this matter.

Amendment *negatived*.

LORD FRANCIS HERVEY moved in page 10, line 11, to leave out “unfit for human food,” and insert “of a nature injurious to health.”

MR. MUNTZ pointed out that “dried tea,” although not “of a nature injurious to health,” might be “unfit for human food.”

Amendment *negatived*.

SIR HENRY PEEK moved, in page 10, at end, to add—

"Tea afterwards proved to be in the same condition in which it has passed the Customs shall not render the vendor liable to penalties under this Act."

Tea was commonly imported in large parcels technically called chops—the chests being all filled from the same heap—and it would consequently be easy to test samples which might be doubted by comparison with what might be left of the same chop remaining in bond.

DR. C. CAMERON opposed the Amendment, which he believed was contrary to the spirit of the Bill.

MR. SCLATER-BOOTH objected to the provision. It was not, he said, the practice of Customs to have anything to do with details after goods had passed out of bond.

Amendment *negatived*.

MR. ALDERMAN COTTON moved, at end, to add the following Proviso:—

"Provided, however, That before such tea be so finally forfeited and destroyed or otherwise disposed of, it shall be competent for the owner or owners, if he or they shall think fit, to call in and demand the opinion of three experienced sworn tea-brokers, and, in the event of the majority of the three persons so called in agreeing in opinion with the said analyst, then the said tea shall be absolutely so forfeited, destroyed, or otherwise disposed of; but in the event of the said tea being held and pronounced, by certificate in writing under the hands of the majority of such three sworn tea-brokers, to be of merchantable quality, it shall forthwith be delivered to the said owner or owners; and in any case the costs shall not be less than three guineas, and shall not exceed fifteen guineas in the whole, and shall be paid by the owner or owners making such appeal."

MR. SCLATER-BOOTH observed that the best security against injudicious conduct on the part of the Customs was an appeal to the Treasury or to the House of Commons. If experience showed that such an appeal as that proposed was required, it could readily be provided for.

SIR HENRY PEEK said, that the power of destroying tea was one which ought to be very carefully used, more especially as a great deal of tea which came to this country was on foreign, and not on British account, and a different international question might easily be raised.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 30 (Interpretation of Act) *agreed to*.

*Sir Henry Peek*

Clause 31 (Provision for the liberty of a cinque port) *agreed to*.

Clause 32 (Commencement of the Act) *agreed to*.

Clause 33 (Title of the Act) *agreed to*.

On Motion of the LORD ADVOCATE, a new clause (Application of the Act to Scotland) was *added* to the Bill.

On Motion of Sir MICHAEL HICKS-BEACH, a new clause (Interpretation of terms in application of Act to Ireland) was *added* to the Bill.

Bill *reported*; as amended, to be considered upon *Friday* 21st May, and to be *printed*. [Bill 168.]

#### BISHOPRIC OF SAINT ALBANS BILL.

(*Mr. Secretary Cross, Mr. Chancellor of the Exchequer, Sir Henry Selwin-Ibbetson.*)

[BILL 95.] COMMITTEE.

(In the Committee.)

Clauses 1 to 6, inclusive, *agreed to*.

Clause 7 (The number of bishops sitting in Parliament not to be increased.)

MR. ANDERSON (for Mr. ERNEST NOEL) moved, in line 21, ~~to~~ leave out from "and whenever," to the end of the clause, and insert "and the Bishop of the said See shall at no time have the right to sit or vote as a Lord of Parliament." At the same time, he acknowledged that he was not certain whether any Amendment was necessary in order to secure the object he indicated.

MR. ASSHETON CROSS explained that as in the case of the Act creating the Bishopric of Manchester it was intended that the new Bishop should in the ordinary way have a seat in the House of Lords in rotation, and that the effect would be not to increase the number of Bishops in the House of Lords but to increase the number out of it.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 8 *agreed to*.

Clause 9 (Courts, officers, archdeacons, and other incidental arrangements constituting the bishopric of Saint Albans to be provided by a scheme of the Ecclesiastical Commissioners, approved by Order in Council.)

MR. ASSHETON CROSS moved, in page 4, line 28, after "Saint Albans," to insert—

"Provided, That from and after such division the canonry in the cathedral church of Rochester now annexed to the archdeaconry of Rochester and Saint Albans shall be permanently annexed to the archdeaconry of Rochester."

Amendment *agreed to*.

Clause, as amended, *ordered* to stand part of the Bill.

Clauses 10 to 12, inclusive, *agreed to*.

Clause 13 (Trusts of Bishopric Endowment Fund.)

MR. SALT made the suggestion that it would be far more economical for the Commissioners under the Bill to invest their funds in Consols and similar securities than in landed estates the management of which was very costly.

MR. ASSHETON CROSS said, he thought there was great force in the suggestion, but deemed it necessary to give the Commissioners power to invest in lands, inasmuch as they might have occasion to buy a house and some ground.

MR. NEVILLE-GRENVILLE was of opinion that it would be easy to manage landed estates much more cheaply than it was done by the Ecclesiastical Commissioners.

Clause *agreed to*.

Remaining clauses *agreed to*.

Bill *reported*; as amended, to be considered upon *Thursday* next.

#### LOCAL AUTHORITIES LOANS BILL.

(*Mr. Chancellor of the Exchequer, Mr. William Henry Smith.*)

[BILL 123.] SECOND READING.

Order for Second Reading read.

THE CHANCELLOR OF THE EXCHEQUER, in moving that the Bill be now read a second time, said, it consisted of a good many clauses, but was yet a simple measure, the main object of which was to alter the mode in which local authorities were now empowered to contract loans. Those authorities had powers given them by Acts of Parliament to contract loans for certain purposes. Some of those Acts were local Acts authorizing a particular borough or body to borrow money for specific purposes; others gave powers generally to all bodies under Bills like the Public Health Bill or the Artizans Dwellings Bill. The powers so given were subject to certain provisions. For example, the bodies thus borrowing were bound to go

to the Treasury or the Local Government Board, or in certain cases to the Home Office, and show that they had authority to borrow; that they had not exhausted that authority; and that they had complied with all the statutory provisions in regard to the new loan they were proposing to contract. Then they were authorized by the proper Department to go into the market and contract the loan. Sometimes they obtained the money from the Public Works Loan Commissioners; but in the great majority of cases they obtained it in the open market. But they were obliged to borrow by rather a cumbrous process. There must be mortgage deeds, and considerable legal expenses had to be incurred; while the lenders of the money were, to a certain extent, bound to see not only to its application, but he believed also to the observance by the authorities of the provisions of the law as to the keeping up of a sinking fund, and other matters of that sort. Again, if any person who had lent money to those bodies wished to realize a part or the whole of his advance he could only do it by a transfer of the mortgage—an expensive and troublesome business. On the other hand, the authority that wished to contract additional loans must do so by the issue of new securities and by means of a new mortgage; and after all those new arrangements were not as public as it was desirable they should be. Complaint was justly made of the cumbrousness of their present system of Local Government. They found themselves embarrassed by the action of so many different Boards, each possessing powers which it exercised without reference to the others. Unnecessary delay and confusion arose, the various bodies were hampered, and the natural effect of all that was to raise the rate of interest against them. The provisions of the present Bill were simply these:— That for the future local authorities proposing to borrow should borrow by a system of debentures, to be issued for not less than £10 or more than £1,000 each; and that those debentures should be presented to the Local Government Board to be stamped. Before stamping them the Local Government Board would ascertain whether the local body had authority to raise the money and had complied with all the statutory provisions, and on finding that it was entitled to

borrow a certain sum, say £1,000, a debenture to that amount would be stamped. It was hoped that those debentures would pass easily from hand to hand, and be a very marketable security. The local body would at the same time register the debentures, and the effect of that would be that after a time there would exist at the central office a complete registry of their liability. That would enable persons who wished to lend to ascertain the exact amount of the indebtedness of the borrowing body. The 13th clause of the Bill also provided that the accounts should be sent to the Government, and that there should likewise be an audit of the accounts of the local authority once a year in such manner as the Local Government Board might from time to time direct. The object of that was to secure the proper and due appropriation of the monies raised by loan to the purposes for which the parties were authorized to borrow it. He did not propose to go so far as to introduce a Government audit of the general accounts of local authorities. That was a step which he thought would be rather too strong for the House to take. A Committee which sat last year, under the presidency of his hon. Friend the Member for Leicestershire (Mr. Pell), inquired into that subject, and came to the conclusion that it would not be possible for the Government to attempt to institute an audit in the case of local expenditure generally. But with regard to that class of expenditure which would be provided for out of loans, which was specially authorized by Act of Parliament, and which would be more or less supervised by the Government, as, for instance, in the matter of stamping those debentures, it appeared to him to be both just and right that there should be a proper audit of the application of that money, and also of other money applied to the same works. For example, in the case of the construction of a sewer, the audit ought not only to extend to the money which might be borrowed for the making of the sewer, but also to any money raised from the rates for the same purpose.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Chancellor of the Exchequer.*)

*The Chancellor of the Exchequer*

Mr. HUBBARD remarked that "power to borrow" was the text of this Bill, and of a great many other Bills which came before them; but he thought that before the power to borrow was encouraged and facilitated, some provision should be made to secure the means of repayment. He regretted that ever this Bill came before them to facilitate the powers of borrowing, while the one Bill—the Valuation Bill—which ought to be brought forward, was never introduced. Until that Bill became law, none of the local authorities were certain as to where they were to find the means of repaying the loans which they made. He urged upon the Government to be less eager in putting forward these borrowing Bills, and to bring in without delay the Bill which must, sooner or later, come before them; and, in the absence of which, introducing such a Bill as the one under consideration, was like putting the cart before the horse. He confessed that he disliked the proposition that local authorities should establish a sinking fund. What guarantee was there that these local authority sinking funds, all over the country, would be treated with more respect than the great national sinking funds which had existed in former years, and which had been exploded one after another? He saw in the introduction of this system very great danger; and he thought it worthy of consideration, whether the example of foreign Powers, which extinguish their obligations by making them redeemable by drawing, should not be followed. He objected to the continuance of this process of loans, until the basis of valuation was settled, and the conditions fixed, on which the rates were to be levied, by which these loans were to be ultimately repaid.

Mr. COLLINS said, he thought the principles contained in the Bill must commend themselves to the consideration of the House. The fact of the exercise of borrowing powers being sanctioned by the authority of the Government, and the Government audit of the accounts would be productive of great good. It was proposed that debentures to be issued under this Act should be stamped by the Local Government Board. He congratulated the Chancellor of the Exchequer upon the introduction of this practical measure to give increased confidence to investors in those local se-



curities without entailing any charge or liability on the State beyond the supervision of the accounts of local bodies affected by the provisions of this Bill. He dissented from the views of the preceding speaker respecting encouragement of the application of sinking funds by local authorities. It was very desirable to fix a period for repayment or amortization of all such loans; and as the Bill provided for the employment of several modes of effecting this object, he hoped it would meet with support from both sides of the House. There was one point of importance to be considered, and that was, whether there should be any maximum rate of interest prescribed beyond which the sanction of the Government should not be given. That, however, was a point to be considered in Committee; and, meantime, he cordially supported the Motion for the second reading of the Bill.

THE CHANCELLOR OF THE EXCHEQUER said, there would be no limitation of interest.

MR. WHITWELL said, that the sanction of the Government could not alter the nature of any legal contract into which local authorities might enter for advances on the security of rates. There was no doubt that it would enable them to obtain these advances on more reasonable terms. The question of audit, and its limitation, ought to receive careful consideration.

MR. CHILDERS said, he thought the Bill, so far as its general tenour went, was one which might be adopted by Parliament. He questioned, however, the advisability of extending these facilities for issuing bonds transferable by delivery down to local bodies of the standing of Poor Law Guardians. Again, he could not conceive anything more dangerous than that trustees under wills and settlements—considering the amount of property in their hands, and the extent of modern trusts, should be enabled, where not expressly forbidden, to invest in the debentures of any local Governing Body. He almost doubted the wisdom of some of the past relaxations of this character, but he thought the Court of Chancery would be horrified if they found that, under the plea of facilitating the issue of local loans, any trustees who might invest in the debentures of a particular Body, were to be at liberty to take the debentures of any local Govern-

ing Body. He trusted the Government would, before going into Committee, consider how that clause could be altered. Then, he understood his right hon. Friend to say that the Government would be empowered to appoint auditors for examining the accounts of local authorities, in so far as those accounts related to moneys borrowed under their special Acts and the present Act, but not in respect of their general financial powers. Now, the distinction here proposed to be made would, he believed, be found very inconvenient, if not altogether unworkable, in practice, and he hoped the Bill would be amended in that respect. In addition to that, he strongly urged that the auditing of those accounts should not be handed over to casual officials, but should be conducted under the authority and responsibility of the Audit Department, established under the Act of 1866. With the exception of the points he had referred to, he supported the Bill.

MR. SCLATER - BOOTH said, the right hon. Gentleman (Mr. Hubbard) seemed to think that this Bill was premature, because no Valuation Bill had been introduced by the present Government; but, if there was any ground for complaint, it was that such a measure had not been submitted to Parliament many years ago, because very serious burdens for executing public works had been imposed upon local bodies, whilst assistance in obtaining money had not in all cases been afforded to them, such as had been given in the case of the Sanitary Act and the Education Act. As to the indebtedness of the local authorities, no doubt it was large—amounting to about £84,000,000—but large as that sum was, it was not excessive, in view of the rateable value of property that had to be set against it. Great advantage had been obtained by the metropolis, from the cheaper means which had been afforded for borrowing money by the Metropolitan Board, and by the smaller bodies through them, and it was but fair that other parts of England should have a similar advantage. With regard to a Valuation Bill, that could be nothing more than a reforming and re-casting of the present system, under which the present assessment committees did the work. He did not think, therefore, that his right hon. Friend was open to the charge of putting the cart before the

horse, while he thought that the local authorities had reason to complain that such a Bill as that now before the House had not been brought in years ago.

*Motion agreed to.*

Bill read a second time, and committed for Thursday, 27th May.

# METROPOLIS GAS COMPANIES BILL.

[BILL 82.] SECOND READING.

(*Sir James Hogg, Sir Andrew Lusk, Mr. Goldney, Mr. John Holmes*).

Order for Second Reading read.

SIR JAMES HOGG, in moving, that the Bill be now read a second time, said, Sir, the question which I am about to deal with is a very serious one, and if the Bill should be read a second time I shall not object to the proposal to refer it to a Select Committee. The wide spreading feeling in the metropolis with regard to gas has reference mainly to purity, illuminating power, and price, and on these points great dissatisfaction is expressed throughout the metropolis. The Corporation of the City of London and Metropolitan Board appointed committees to consider what was best to be done; and in doing this they naturally had recourse to the Committees of the House of Commons, to see what had been recommended on previous occasions, and they came to the conclusion that it would be best to deal with the question in a wide and comprehensive spirit. They decided to present to Parliament three Bills, one Bill for the independent supply, another for the purchase of the rights of the Companies, and a third, the one which I now ask the House to read for a second time. As to an independent supply, it was stated in the Report of the Committee of 1867 that the absence of such a measure prevented a settlement of the question. I think if I read two or three extracts, I shall show that the Metropolitan Board only acted in a proper manner in bringing forward that Bill. I am now quoting from a Report of Lord Cardwell's Committee, page 15—

"In conclusion, therefore, your Committee have now to repeat the expression of our decided opinion, that either by the way of regulation or by the way of an independent supply, the consumer is entitled to a far more distinct control than he at present enjoys with respect to the supply of the metropolis, and if the Company decline to submit to arrangements, mea-

asures should be taken for a new supply in independent hands."

Further on, they say, in the last clause but three—

"The proper remedy would be for Parliament to concede to the City of London or the Metropolitan Board of Works or other local authority the power of supplying those districts in the manner in which the Corporation of Manchester supplies that city and its surrounding neighbourhood, and your Committee consider that the main cause of the want of legislation has been the absence of any Bill authorizing the establishment of an independent supply of gas in the hands of a local authority."

I think that in the face of a Report of such a strong character as that, the Corporation of the City of London and the Metropolitan Board were bound to bring in a Bill such as I have named. With regard to the Purchase Bill, I do not think I need take up the time of the House in discussing the policy of the purchase of Gas Companies when I find that the municipal authorities in Scotland, at Glasgow, Dundee, and Aberdeen, and those in England, at Manchester, Leeds, Oldham, Nottingham, and Birmingham, have adopted it. I think, therefore, I may say that the principle of municipal authorities having the control of the gas has been entirely conceded by Parliament. Furthermore, the Chartered Gas Company brought in a Bill in the present Session for the express purpose of enabling their undertakings to be purchased by the Metropolitan Board, and therefore I think I may say that they have also conceded that principle; and, furthermore, we have recently had brought before us a proposal from the Imperial Gas Company to ask upon what terms the Metropolitan Board would purchase their undertaking. With regard to the Chartered Gas Company, I am bound to say that the propositions contained in their Bill were such as no municipal authority would have thought of entertaining for one moment, because they were of an extravagant nature; but, still, that was a matter of detail which a Committee would go into. I may be asked, and I have been asked, why I thought it necessary to bring in three Bills, and that these three Bills should all go before a Select Committee of the House of Commons? I may be asked why were two of these Bills withdrawn before they came to the second reading? The answer is clear and simple—because I am not in the habit of keeping up fruit-

*Mr. Selater-Booth*

less discussions; and it having been intimated to me that any discussion would have a fruitless character, and that I would have opposition which would have ensured the success of that opposition, I thought that the proper course would be to rely upon the Metropolis Gas Companies Bill, which is merely a regulation Bill, and which now I ask to read a second time. Before going into the details of the Bill, I may mention that prior to 1868, nine of the large Companies were regulated by the provisions of the Act of 1860; and excepting three of them—the Chartered, the Imperial, and the South Metropolitan, the legislation of 1860 now regulates their management. That Act of 1860 incorporated the Gas Works Act of 1847; and it is necessary for me to refer to that Act, because it distinctly recognized the interest of the consumer, for it expressly states that the surplus profits shall be applied to the reduction in the price of gas. As far back as 1847, the principle was announced that the consumer was interested in the reduction of the price of gas; and it was also recognized that consumers were interested as regards the profits of the undertaking. And this was also carried out by the City of London Gas Act of 1868 and other Acts which, in a distinct manner, show that this principle ought to be insisted upon. A clause in the Act of 1868 states this principle most distinctly—

“They shall fix such illuminating power and such price as shall be calculated—the Company to use due care in the management of its business to earn the full dividend.”

[*Read on.*] Do you wish me to go on? I only wish you to see that I can quote authority for what I say, and I will not take up one moment too much of the time of the House. Well, the Acts of 1847 and 1868 having shown that due care ought to be insisted upon, I do not think that the consumers, through the municipal authorities of the City, the Corporation of the City of London, and the Metropolitan Board of Works, are doing anything at all wrong in asking the House of Commons to reconsider this question. It is no novel principle at all, and all that we want to do is to make effectual enactments, the principles of which have already been recognized. Another point is with regard to the rate of dividend. The maximum is

fixed as 10 per cent; and that is in the Act of 1847, Clause 30. The Act of 1868 also recognizes that, and says that it shall be only “after due care and management.” Having explained the principles, and what the Metropolitan Board and the City wish, I may mention that both these Bodies were impressed with the earnest belief that Parliament not only desired due care and proper management on the part of the Companies, but also to secure that object by giving the shareholders an interest in economical management; and looking at the various proceedings lately taken by the Board of Trade, they thought that the Companies had entirely failed, and although the City had advanced arguments on behalf of the public, it could obtain no redress. In the case of the Imperial Gas Company the Board of Trade Commissioners got the opinion of the Law Officers of the Crown, which was as follows:—

“We think under the Imperial Gas Act of 1869 the Commissioners are precluded from inquiring into the question as to the mode in which that Company have raised or expended their capital, and the capital for the purposes of this inquiry must be assumed to be duly raised.

(Signed) “JOHN KARSLAKE,  
“RICHARD BAGGALLAY,  
“E. WILLS.”

In the face of that opinion it was quite impossible for the Board of Works to go further before the Commissioners. Though Parliament has prescribed the amount of dividend, and laid down that due care should be used, we were precluded from going into questions whether due care had been exercised or not, especially with regard to the raising of the capital. There was another point with regard to the powers of the Companies of raising fresh capital and also the price that capital brought. Under existing circumstances, there seems to us—the Metropolitan Board—a very great inducement to raise capital in an undue way. For instance, £100 shares can be sold very shortly after being issued for £160 or £170; and I need not say that this is a great inducement to raise money for the undertaking. Having alluded to this, I will touch upon one or two other points of the Bill. I have been asked several questions as to the repealing of the clauses in the Act of 1860. The reason for the repeal is that it is desired to secure a uniformity

of legislation, and to adopt in the present Bill provisions which may not only apply to the Companies under the Act of 1860, but to those which have been dealt with by Parliament since that date. Now, as to Clause 6 of the Bill, which is most objected to by the Gas Companies, I must say that it seems to me as well as to my Colleagues that this clause, in fact, imports a very valuable provision, for it makes the whole of the shareholders, individually and collectively, deeply interested in the way in which the respective concerns are carried on; and it is done in this way. If a higher price should be charged than 3*s.* 9*d.* per 1,000 cubic feet within the metropolitan area the dividend is to be decreased. This will give all the shareholders an interest, and make them most anxious that their various directors should carry out this efficient and economical measure. Some say that this is a one-sided arrangement. Possibly it is. But when this goes to a Committee, I am sure that the Metropolitan Board who have charge of this Bill will be most anxious in every way to meet the views of those who thought that the sliding scale ought to go in an opposite direction; and if the Gas Companies, by good regulations and by great economy, find they are able to reduce the price of the gas, then the shareholders will benefit. Another point is the illuminating power. I want to make it clear, with regard to the illuminating power and the price of gas, that throughout the metropolis the consumers of gas have got some slight cause of complaint. I will take 1874. I find that the Gas Light and Coke Company charged 5*s.* per 1,000 cubic feet, giving 16 candles; the Imperial 4*s.* 8*d.*, giving 14, while the South Metropolitan only charge 3*s.* also of 14 candles; the Commercial charge 4*s.* giving 12 candle gas. So that the price of gas varies from 3*s.* up 5*s.*, and that was during the time when coal commanded rather an exceptional price. Coming to 1875; I will just give the same Companies. Gas Light and Coke Company 3*s.* 9*d.*, giving 16 candles; the Imperial 3*s.* 9*d.*, 14 candles; the South Metropolitan 3*s.* for 14 candles. I may say that it is the desire of those who promote this Bill—the City and the Metropolitan Board—that throughout the whole of the Metropolis we should get a good and pure gas of 16 candles at the rate of 3*s.* 9*d.* per 1,000 cubic feet.

*Sir James Hogg*

That is the principle of the Bill. Another point is the question of referees, who will prescribe and certify the mode to be adopted for testing and recording the illuminating power and pressure of gas, and who will do a variety of other things. The proposition of the Bill is that one should be appointed by the Gas Companies; another should be appointed conjointly by the Corporation and the Metropolitan Board, and the third will be appointed by the Board of Trade. We think that the establishing of these three referees will be the forming of a very excellent and very efficient body. There are other provisions in the Bill of a secondary character, but they are simply for enabling the Act to be worked out and do not touch any vital principle. I only hope that the House will agree that the Corporation of the City of London and the Metropolitan Board have endeavoured to approach this somewhat difficult task in an impartial spirit; and although they may touch somewhat the rights of the Gas Companies, it does seem to us that Parliament who has regulated them on many previous occasions may be very well called upon to regulate them again in an equitable manner. In conclusion, all that I can say is this—that I put it to the House, and ask them whether they consider that unity of management, that unity of price, and the same illuminating power for gas is or is not desirable in this metropolis? If the House thinks it is desirable to have this unity of management, and illuminating power, and also price, they will read this Bill a second time and refer it to a Select Committee, where any details can be gone into and thoroughly thrashed out; and if they should unfortunately reject this Bill then the municipal bodies, whom I am glad to say upon this and other questions have been entirely in accord, will feel that they have done their duty to the consumers of gas in submitting a fair and comprehensive scheme for the judgment of Parliament to Act upon.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir James Hogg.*)

MR. WHITWELL regretted that the second reading of this important measure should be taken in the absence of the hon. Member for Helston (Mr. Young), who took a deep interest in the subject. He knew of no instance in



which a bolder attempt was made to acquire the entire control of independent companies than was made in that Bill. He did not mean to say that it was not a right thing to do, or that it might not be for the benefit of the public; but he thought the House should be made fully aware that what was proposed was to give up the competitive interests of these companies, and place them under the entire control of three individuals. The Bill would be sure to meet with great opposition from the gas companies. As regarded keeping down the dividends to 10 per cent, it was quite evident that could be done without the public obtaining any advantage from it whatever.

MR. GOSCHEN said, the hon. Gentleman the Member for Helston would not be the only one who would feel surprised at finding that measures which they thought would have been postponed were nevertheless proceeded with. Certainly, they had not had adequate time to discuss a measure of this importance; but as the Bill was to be referred to a Select Committee, that was an inconvenience which might be there remedied.

SIR CHARLES ADDERLEY said, he was sorry the hon. Member for Helston was not in his place on that occasion, but it was the hon. Member's own fault. This measure was certainly an important one, affecting as it did the Gas Companies; but it was also important as affecting the interests of the public. He allowed that, as now drawn, it might seriously affect the interests of the Gas Companies; and if the Bill passed in its present shape it might be said that Parliament had not kept faith with them. But he believed it to be possible that the Bill might be so amended in Committee as to keep faith with the companies, and to materially benefit the consumers. This being a matter which might be dealt with in Committee, all he had to do was to see that the Bill was referred to a strong Committee with the other two Gas Bills now before Parliament. The right hon. Member for Bradford (Mr. W. E. Forster) had consented to take charge of the Committee. He hoped the House would allow the Bill to be read a second time, and then he would move that the three Bills should be referred to a Select Committee.

MR. ALDERMAN COTTON would impress upon the House that this Bill proposed to deal with property amounting

in value to something like £36,000,000. He did not think that the profits of the Gas Companies should be unfairly interfered with, and thought that, so far as the municipal bodies were interested in the matter, they would rather regard the illuminating power than the price.

MR. YEAMAN observed, that the Bill would not only affect the Gas Companies, but the public to a very considerable extent. He thought it would have been much better if the Government themselves had introduced a Bill dealing with the Gas Companies. He could not help thinking the metropolis was far behind the great provincial towns, both in respect to the supply of gas and water. Edinburgh and Glasgow and other large towns had the water and gas supply entirely in their own hands, and the consequence was that those communities were not only well supplied, but supplied at the cost price. He hoped that the Government would support a proposal for transferring the works and business of the Gas Companies to the Metropolitan Board, so that there might be the best gas supplied at the cheapest possible rate. He should certainly support the measure before the House.

MR. DILLWYN said, he was rather surprised to hear the admission of the President of the Board of Trade, that if this Bill were passed in its present shape it would be a direct breach of faith with the Gas Companies. He did not think it would be his duty, after such a statement, to allow the Bill to be read a second time without a division.

MR. RAIKES said, he hoped his hon. Friend (Mr. Dillwyn) would not divide the House upon that occasion; but that, if he designed to offer determined opposition to a particular clause, he would postpone it till the stage of Committee. He (Mr. Raikes) fully shared the doubt expressed by his right hon. Friend the President of the Board of Trade with regard to some of the provisions of the Bill. Parliament could not be expected to sanction the 6th clause without considerable modification. At the same time, he thought the ground taken by the opponents of the Bill was scarcely tenable. He could not admit that the Gas Companies had a right to come to Parliament and say the Legislature could not interfere with their property so long as they did not pay more

than 10 per cent to their shareholders. He thought such a position would be a much more serious contravention of public policy than anything urged by those who were in favour of this Bill. The position of the Gas Companies was two-fold, some being under the Act of 1860 and some under that of 1869. The companies that were under the Act of 1860 had a more elastic range, while as regarded the companies under the Act of 1869 the range was more limited as to the prices to be charged. It was desirable that, as far as possible, all the Gas Companies of the metropolis should be placed on the same footing. The subject would undergo a searching investigation in the Select Committee, and on that ground he hoped his hon. Friend would not divide the House.

COLONEL BERESFORD said, that this was the third of the measures introduced by the Metropolitan Board of Works during the present Session, and the two former had completely failed—a fact which sufficiently proved the utterly untrustworthy character of that body. In regard to the present Bill—on the 9th of April last all the Gas Companies on the south side of the Thames were before the President of the Board of Trade as a deputation, and assured him that they were quite prepared and quite willing to amalgamate if the President so desired, and with a view to economy, on the terms of his letter of November last, and to insert clauses in the Bill to give the Metropolitan Board of Works powers of purchase at a fair price, to be ascertained by arbitration in the usual way, in the event of any difference. Indeed, the Phoenix Company, by arrangement, brought in a Bill this Session seeking power to amalgamate with all the Companies on the south side of the Thames, and to carry out the views of the President as expressed in his letter to which he had referred. With the leave of the House he would read one passage from the letter of the President of the Board on the 11th of November last; and he must say, in passing, that though he had somewhat against the right hon. Gentleman on this occasion, it was a real pleasure to go to the Board of Trade on any business, for a more courteous and painstaking Minister did not sit on the Treasury Bench. The passage he selected was as follows:—

"It is said that two Companies, through whose

districts the very large main of another Company passes, are about to apply for increased capital to create a new source of supply immediately above this very main. The needless expenditure of material and labour, and, above all, the waste of gas arising from these causes, must be very large, and if, by amalgamation and harmonious arrangements this waste could be prevented, there is every reason to believe that the annual expenditure of the Companies might be much less, and their incomes much larger than they now are. Under present circumstances it rests with the Companies themselves to propose such arrangement, and if they fail to make the attempt, they lay themselves open to the observation that, being secure of their 10 per cent, they have no interest in promoting economy."

Now, what happened? Why the Metropolitan Board of Works opposed the Bill, and threw it out on Standing Orders. He asked the House to receive that Bill, and to let it proceed and go to Committee, for the Phoenix Company were quite ready to carry out the views of the Board of Trade as expressed in the letter from which he had just quoted. The Imperial Company had a Bill for a similar object—namely, to amalgamate with the Companies on the north side of the Thames. The Chartered Company had already amalgamated with five Companies; so that if the House had allowed the Phoenix and the Imperial Bill for amalgamation to proceed, there would have been three Companies in the metropolis instead of 12. The Chartered and Imperial Companies on the north, with their new and gigantic works well away from the habitations of man, down in the marshes of Bow and Woolwich; and one on the south also away from dwellings on the Surrey Canal, where the South Metropolitan Gas Company had 30 acres of ground to cover. This would be fair and reasonable. It would not be abrogating the Parliamentary contract by the Act of 1860, or the subsequent legislation of 1868-9 1869. It would secure the public audit of all the Companies, and it would promote economy, while maintaining the illuminating power and purity of the gas. To show the unfortunate effect of this repeated harassing of the Companies, and of the attempted wild legislation by the Metropolitan Board of Works upon this subject, it was only necessary to mention that the Imperial and Chartered Companies, who, by the legislation of 1868 and 1869, had the price of gas reduced to 3s. 9d., with the illuminating power raised to 16 candles with the revision

clause, were in 1874 charging 4s. 8d. and 5s. for their gas, spending £10,000 in the process; whilst the other Companies not interfered with were charging generally 4s. The Bill now before the House laid down a hard-and-fast line as to price, purity, and illuminating power; but it was impossible for Gas Companies supplying a sparse district to furnish gas upon the principles there enunciated. The Complaints, to which reference had been made, as to the price of gas arose entirely out of the circumstance that in 1873 the price of coal advanced from 14s. to 32s.—more than 100 per cent. It was impossible, in that case, for the Companies to pay a 10 per cent dividend, without increasing the price of gas; but the price had since been diminished as the price of coal had been reduced. He trusted the House would reject the Bill now before it, or that, if the Bill was referred to a Select Committee, the President of the Board of Trade would take care that the existing Acts were not over-ridden, and that the rights of gas shareholders were not injuriously affected, as they would be if the Bill now under consideration was passed in its present form.

MR. YOUNG said, he had given Notice of his intention to move the rejection of the Bill, which was in violation of a Parliamentary bargain made some years ago. After briefly sketching the history of gas legislation during the last 60 years, and dwelling particularly on what occurred in 1860, the hon. Member proceeded to remark that whereas the Phoenix Gas Company were only bound to supply 12-candle gas at 4s. 6d. per 1,000 feet, they would under this Bill have to supply 16-candle gas at 3s. 9d. per 1,000 feet. Could any one maintain, therefore, that the present Bill did not interfere unfairly with that company? If this principle were sanctioned, good-bye to any reliance on a bargain with Parliament for the future. Let hon. Members ask themselves upon what the title to their own property rested. Was there any that had a better foundation than Parliamentary sanction? Within the last few years we heard of the death of two men who never did a stroke of work for the pensions they received out of the taxes of this country, Lord Ellenborough and a descendant of Lord Thurlow, one of whom had £7,000 and the other £9,000 a-year. But nobody thought

of interfering with their rights. And why? Because they were secured by an Act of Parliament. This was not the first Bill brought in this Session on the subject of gas. Three had been brought in by the Metropolitan Board of Works. The first was a Bill to purchase the Gas Companies at a price to be fixed by the Metropolitan Board. The companies would not submit, and the Bill was withdrawn. The second was a Bill to enable the Metropolitan Board to compete with the companies; another £13,000,000 was to be raised to do what was well done by the companies. That Bill was withdrawn for reasons best known to its promoters, and now came a third Bill in which the Metropolitan Board said—"If you won't sell, and if you won't allow us to compete, we will ruin you first and purchase you afterwards." He denied that there was any proof that the Metropolitan Board would supply gas to this great metropolis on better terms or more efficiently than the companies now did. He hoped the House would not admit the principle that where a Parliamentary bargain had been made and millions of money subscribed on the faith of it, it was possible that it could be revoked. The hon. Gentleman concluded by moving that the Bill be read a second time that day six months.

MR. DODDS seconded the Motion.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Young.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. COLLINS said, that this was a very important question, as nearly 4,000,000 of people, the inhabitants of this metropolis, would be affected by the decision arrived at to-night. The principle of the Bill was sound—namely, that unity of management necessarily carried with it economy and efficiency. There was ample evidence to establish the fact that the local governing bodies of many large cities and towns in this country succeeded in supplying gas on moderate and satisfactory terms. No one could underrate the value to this great metropolitan community of the proper regulation and control of the supply of gas. Gaslight in London was of nearly the same importance to many as the light of day—the avocations of

the working classes and of the poor, as well as the comforts of the rich, were affected by it. Anyone who had had so long an experience of London as he had must be aware that much dissatisfaction was constantly expressed by all classes of persons respecting the purity and the price of gas. The whole subject demanded inquiry. As it was proposed to refer the Bill to a Select Committee, he hoped the House would agree to read it a second time without a division. He would be about the last man in that House to interfere with private enterprise or vested rights; but he took it that the recommendation of a Select Committee would be that the vested rights of the various companies should be dealt with not only equitably, but liberally.

MR. SAMUDA complained of the short notice hon. Members interested in this question had received that the second reading would be taken that night. With the principle of the Bill generally he was in accord and had no objection to it, as well as the two other Gas Bills, being referred to a Select Committee. It was right that the public should be protected by a Regulation Bill, and the general conditions of the Metropolitan Bill—with some few exceptions—he did not complain of. But he did complain of the interference of the Government with the proposals of the private companies. The Government, in fact, wished to impose terms on the companies as to the mode in which they should raise their new capital, and thus took on themselves to dictate both to the companies and the Committee of this House, to whose judgment the matter ought properly to be referred; and, acting under the influence of the Metropolitan Board, he supposed, thought it justifiable to insist on terms which it would be impossible to obtain. They said—"either you shall raise all your new capital on loan at 5 per cent, or you shall have an opposition to your project being passed." The Commercial Gas Company felt bound to reject these terms. He also thought the Government were acting on a mistaken notion in supposing that the interests of the public demanded that they should interfere in this way with private enterprise. If they thought that through the Metropolitan Board of Works or by any process of their own, they were in a position to purchase the

Gas Companies, he could not conceive that the companies would have any objection to sell their undertakings, and in such case it could make no difference in the amount to be paid for each undertaking how the capital had been raised, for the amount of purchase would be arrived at by fixing the number of years' purchase that should be given on the annual earnings of the company—as in the case of the *Telegraphs*—and the annuity of the company would form the only basis of purchase.

THE CHANCELLOR OF THE EXCHEQUER said, that the remarks of the hon. Member for the Tower Hamlets (Mr. Samuda) had reference not so much to the Bill before the House as to two private Bills enabling Gas Companies to raise additional capital. No doubt they might be coupled together. The question, however, was whether the present Bill should be read a second time with a view of referring it to a Select Committee in company with the two Bills of the private companies. The remarks which had been made seemed to imply that the present system was by no means entirely satisfactory. There were irregularities which it was desirable, in the opinion of the Government, to get rid of, and it would be necessary to establish a uniform system which might be applied to the whole of the Gas Companies of the metropolis. That necessity was so obvious that it was unnecessary for him to dilate upon it. The Metropolitan Board of Works had originally proposed to take power to purchase all the Gas Companies of the metropolis. He confessed that his feelings were against such a proposal, and the influence of the Government was employed to induce them to withdraw the Bills brought in with that object. Those two Bills being dropped the question with the Metropolitan Board of Works was, whether, if they were shut out from a measure for supplying gas to the metropolis, they should introduce a Bill by which they might satisfactorily regulate the action of the private gas companies. With this view a Bill had been drawn up, the great body of the provisions of which were either satisfactory, or might be made so. The House would do well, therefore, to give a second reading to the present measure, so that it might be considered by a Select Committee, which he hoped might be a

*Mr. Collins*



strong one, and put into a proper shape. Special reference had been made to the 6th clause, limiting the price to be charged for gas to a certain standard. This clause stipulated that gas of 10-candle power should be charged 3s. 9d. per 1,000 cubic feet; and it was provided that if the price were increased, the dividend was to be reduced. That clause would, in his opinion, amount to a breach of faith, and was an unfair clause to be adopted. If that clause were to be considered an essential principle of the Bill, the House would, he thought, pause before it gave its assent. It would be, however, a pity to lose a Bill that seemed to be a good one in many respects, if the House saw its way to some omissions in, or modifications of, that Bill. If the Bill were now read a second time, and went to a Committee, it would be the duty of the Government to watch it carefully when it came back; and if that clause came back in its present shape, it would be impossible to allow the Bill to proceed any further. He believed, however, it would be possible for the Committee to consider and amend the clause, and to send down the Bill in such a shape that it might pass during the present Session.

MR. DODDS said, he thought they were discussing the Bill under very exceptional circumstances. A great many hon. Members took a lively interest in this question, and some of them had gone away under the impression that the Bill could not be reached that night; and as any discussion which the House might arrive at in their absence would not be satisfactory, he would move the Adjournment of the Debate.

MR. SPEAKER pointed out to the hon. Member that, having seconded the Motion for the rejection of the Bill, it was not competent for him to move the Adjournment of the Debate.

MR. R. SMYTH moved that the debate be adjourned.

Motion made, and Question proposed,  
 "That the Debate be now adjourned."  
 —(Mr. Richard Smyth.)

MR. RITCHIE, in opposing the Motion for the Adjournment of the Debate, said, it was of the utmost importance that the Bill should be read a second time that night. If the debate were adjourned it was impossible to say when it would be resumed. With respect to the

Gentlemen who had left the House, that was a matter which concerned them only. He hoped the House would not give its consent to the Motion to adjourn the debate.

MR. YOUNG said, he certainly understood that the second reading was fixed for that day week, and under that impression he had advised several weary Members who were interested in the subject to go home to bed.

MR. LOCKE said, he could not make out why an inquiry was resisted. It was admitted that the gas supplied by the companies was infamous, and, further, that something must be done to remedy the existing state of things. The Gas Companies received more than they were entitled to, and they had evaded every provision in every Act of Parliament which was intended to limit their charges. Under these circumstances, he should support the Motion for the Adjournment of the Debate.

SIR JAMES HOGG, in reply, said: I do not think it is usual to move the adjournment of a debate when the matter has been so fully discussed as on the present occasion. This Bill came on for discussion soon after 9 o'clock, and it has now been on for more than two hours, and if it goes on for two hours longer I shall be happy to listen to all that may be said. As regards the hon. Member for Helston (Mr. Young), and the hon. Member for the Tower Hamlets (Mr. Samuda) I regret extremely that they did not hear me introduce the Bill, because, if they had heard my remarks, they would not have spoken in the manner they did. Whenever I have been asked as to the time when I should bring in this Bill I have always said that I should do so even if it were 15 or 20 minutes past 12 o'clock. As regards the remarks on the postponement, I never gave, directly or indirectly, any intimation to any human being that I would not bring it on to-night. On the contrary, the only thing that was said was, that if certain provisions were not accepted by certain Companies Her Majesty's Government would try to afford me a day if I could not get on to-night. I must say that I did not expect it to come on so early, and to me it was a matter of extreme inconvenience. But I need not dilate upon this subject. I need not trouble you with any further observations; but I say that the state of

affairs in regard to gas is not satisfactory. This Bill is trying to put them in a more satisfactory position than they occupy at present. During the whole of the discussion the only serious objection taken is with regard to that 6th clause. All that I can say is, that the promoters will, if the hon. Gentleman will withdraw his Motion and let the Bill go to a second reading, let that clause go to the Select Committee of the House of Commons, and will let the Committee say whether it is suitable or not. I am quite prepared to say let that be done; and if the Committee of the House of Commons consider that we place too low a price, we are prepared to give the greatest consideration to the Committee selected by the House of Commons. I do not think I could say more; and I hope the hon. Gentleman will withdraw his Motion.

COLONEL BARTTELOT said, the principle of the Bill was contained in the 6th clause, and he must vote against the Bill, so long as that clause remained in it. If it were omitted, then the Bill could be referred to a Select Committee.

Question put.

The House *divided*:—Ayes 37; Noes 147: Majority 110.

Original Question put.

The House *divided*:—Ayes 132; Noes 57: Majority 75.

Bill read a second time, and *committed*.

#### TOWNS RATING (IRELAND)

BILL.—[BILL 139.]

(Mr. Butt, Sir Joseph M'Kenna, Mr. Bryan, Mr. Ronayne.)

#### SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [12th May], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(Mr. Vance.)

Question again proposed.

Debate *resumed*.

CAPTAIN NOLAN said, that as many of the Irish Members had left the House, he begged to move that the debate be now adjourned.

*Sir James Hogg*

Motion made, and Question proposed, "That the Debate be now adjourned."—(Captain Nolan.)

SIR MICHAEL HICKS-BEACH said, he did not see why the debate should be again adjourned. The Bill was brought forward for the first time yesterday by the hon. and learned Member for Limerick (Mr. Butt) in a short and moderate speech, and to all appearance there was a great desire, on the part of hon. Members from Ireland who sat opposite, for a division on the Main Question. He had himself risen at 25 minutes to 6 o'clock, and had endeavoured, as far as he could in five minutes, to state his reasons for opposing the measure; but it had been talked out by one of the hon. and learned Gentleman's own supporters. And now the House was asked to assent to an adjournment, because many of those who advocated the Bill were absent. That he did not regard as a fair mode of dealing with the question.

MR. BUTT thought, on the contrary, the interest of Ireland in the matter would not be fairly dealt with if the Motion for Adjournment were not acceded to. Over 1,000 voters—he had heard the number put at 2,000—had been disfranchised in the City of Dublin alone, because the same facilities were not given for placing men on the register as those which existed in England.

VISCOUNT CRICHTON believed the Bill was a most insidious measure, being a new Reform Bill in disguise. In the borough which he represented (Enniskillen) there was no grievance felt from the existing state of the law. He hoped the House would not consent to an adjournment of the Bill, but would throw it out by a large majority.

MR. SULLIVAN remarked that it was all very well for the noble Lord opposite to say what he did, when perhaps he owed his seat to the fact that a large number of people who ought to be his constituents were deprived of the franchise. What a terrible scare to that House, which sat under a Conservative Reform Bill, and to men like the noble Lord opposite to hear of another Reform Bill! This was essentially an instance of unequal law for Ireland. She would not be deceived by such proceedings as the present, but would declare in the presence of all Europe—he saw the Chancellor of the Duchy of Lancaster

(Colonel Taylor) laughing. It was the only argument that he ever contributed to their debates; perhaps, because it was the kind he was best fitted to contribute. ["Oh!" and "Order!"] If he had said anything unworthy of the most friendly feeling—if his observation was more impolite than the hon. and gallant Member's laughter, he withdrew it. He urged that the clauses of the Bill were copied from the English list, and it was not asking too much to postpone the measure for a fortnight.

SIR PERCY WYNDHAM condemned the Bill. Ireland had hitherto been remarkably free from bribery and corruption at elections; but this Bill would put it into the hands of any one to agree to pay a man's rates in order to give him the franchise, which it would lower, while tending at the same time to corrupt practices.

MR. GOSCHEN differed from the hon. Member who had just spoken in his views with regard to the effect of this Bill. The hon. Member had said it would have the effect of lowering the franchise; but the franchise would surely remain at £4 in Ireland, whether this Bill passed or not. The question was whether those who were enfranchised by Act of Parliament were to be disenfranchised by overseers? He regarded this Bill simply as the application to Ireland of a system that had been applied to England. If it were an insidious attempt to lower the franchise the House would know how to deal with it.

Question put.

The House divided:—Ayes 52; Noes 127: Majority 75.

Question again proposed.

SIR HENRY HAVELOCK moved the adjournment of the House.

MR. LEITH seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."  
—(Sir Henry Havelock.)

MR. W. E. FORSTER said, he hoped the Government would not persevere in trying to force the hon. and learned Member for Limerick to proceed with this Bill. The course which the Government were taking in trying to force the hon. and learned Member to proceed was most unfair. It was an unprecedented course.

SIR MICHAEL HICKS-BEACH said, he would not have thought of asking the hon. and learned Member for Limerick (Mr. Butt) to proceed with the debate, had not the hon. and learned Member himself proposed to do so. [MR. BUTT: "No!"] The hon. and learned Member for Limerick proposed to go on with the debate, and then the hon. and gallant Member for Galway (Captain Nolan) moved its adjournment.

SIR WILLIAM HARCOURT said, the right hon. Gentleman the Chief Secretary for Ireland had not treated the hon. and learned Member for Limerick and the people of Ireland well in the course he had taken in reference to this question. What the Irish Members asked was that a measure which had been adopted in England should be extended to their own country. To shovel such a demand as was made out of the House by a peremptory vote of this kind was both unjust and impolitic. He should therefore vote for the adjournment in order to secure a full discussion of the subject.

MR. GATHORNE HARDY said, the hon. and learned Gentleman was not aware of the unprecedented circumstance which had occurred on the previous day, when his right hon. Friend (Sir Michael Hicks-Beach) endeavoured to meet the wishes of hon. Gentlemen opposite by giving them an opportunity for going to a division on this Bill. It was important that good faith should be kept; yet no division was taken, and the hon. and learned Member for Limerick to-night moved the resumption of the debate.

MR. BUTT positively denied that he had done so.

MR. GATHORNE HARDY supposed that his eyes must have been deceived when he saw the hon. and learned Gentleman take off his hat. Instead of desiring to crush the discussion, the Government had merely been acceding to the wishes of Irish Members that this matter should be brought to an issue at once. If hon. Members used the Forms of the House to obstruct the progress of Business, they would do so at the risk of the reputation they enjoyed in the House and in the country, even though their tactics were approved by the hon. and learned Member for Oxford. In conclusion, he might state there certainly had

been no attempt this Session to stifle any Irish question which had been brought forward.

MR. BUTT said, he had understood that if he had proposed to adjourn the debate till Thursday the Bill would have been opposed, and exactly the same course would have been taken as had been adopted on the present occasion. Believing that if he himself moved the adjournment, he should be deprived of the opportunity of speaking on the Bill, he asked his hon. and gallant Friend (Captain Nolan) to move the adjournment in his stead. The present debate had been forced on from the other side. He had no indirect object in view. The occupiers in Ireland could only gain the franchise by claiming to be rated, and paying the rates the same as in England before the recent alteration. It was not fair to press this Bill on in the absence of any Irish Members who had left, under the impression that it would not be taken that night. He believed that if the Prime Minister had been in his place the debate would have been adjourned an hour ago.

THE MARQUESS OF HARTINGTON said, the debate ought to be adjourned, and that it was unprecedented to pursue such a course as that proposed by the Government, especially in the absence of many hon. Members who had left for Ireland. He did not think from the number of Orders which preceded it on the Paper that any one could fairly have expected that the Bill would be reached that night.

THE CHANCELLOR OF THE EXCHEQUER said, there had evidently been, through fault or through accident, misunderstandings on the subject. If the Motion for the Adjournment of the House were withdrawn, he hoped the next Business on the Paper would be proceeded with.

Question put, and *negatived*.

Question again proposed.

Debate *adjourned* till Thursday next.

#### PARLIAMENTARY SEATS (PEERS OF IRELAND) BILL.

On Motion of Mr. BUTT, Bill to enable Peers of Ireland, not being Lords of Parliament, to be elected and returned and to sit in the House of Commons for Irish Counties, Cities, Towns, and Boroughs, *ordered* to be brought in by Mr. BUTT, Mr. BRYAN, and Mr. SULLIVAN.

Bill *presented*, and read the first time. [Bill 170.]

*Mr. Gathorne Hardy*

#### METROPOLITAN POLICE (SURGEON, CLERK, & C. SUPERANNUATION) BILL.

On Motion of Sir HENRY SELWIN-IBRETON, Bill to amend the Law respecting the Superannuation Allowances of certain officers of the staff of the Metropolitan Police, *ordered* to be brought in by Sir HENRY SELWIN-IBRETON and Mr. Secretary CROSS.

Bill *presented*, and read the first time. [Bill 172.]

#### COUNTY CORONERS (ENGLAND) BILL.

On Motion of Mr. HENRY COLE, Bill to alter and amend the Law relating to the Election of County Coroners in England, *ordered* to be brought in by Mr. HENRY COLE and Mr. EDWARD JENKINS.

Bill *presented*, and read the first time. [Bill 174.]

#### ECCELESIASTICAL COMMISSIONERS (FEN CHAPELS) BILL.

On Motion of Mr. EDWARD STANHOPE, Bill for transferring to the Ecclesiastical Commissioners for England certain Estates now vested in the Fen Chapel Trustees, and to make the Acts relating to the said Commissioners applicable thereto, *ordered* to be brought in by Mr. EDWARD STANHOPE, Mr. SPENCER WALPOLE, and Mr. MALCOLM.

Bill *presented*, and read the first time. [Bill 173.]

#### PHARMACY BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to institute a Pharmaceutical Society, and to regulate the qualifications of Pharmaceutical Chemists in Ireland, and to establish certain relations between the Pharmaceutical Societies of Great Britain and Ireland, *ordered* to be brought in by Sir MICHAEL HICKS-BEACH and Mr. SOLICITOR GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 175.]

#### GLEBE LOAN (IRELAND) BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to amend "The Glebe Loan (Ireland) Amendment Act, 1871," *ordered* to be brought in by Sir MICHAEL HICKS-BEACH and Mr. SOLICITOR GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 176.]

#### JUSTICES (DUBLIN) BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to amend the Laws relating to the Justices of the Police District of Dublin Metropolis, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Sir MICHAEL HICKS-BEACH.

Bill *presented*, and read the first time. [Bill 171.]

House adjourned at a quarter after One o'clock till Thursday next.



## HOUSE OF LORDS,

Thursday, 14th May, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—*Agricultural Holdings (Scotland)* (105).  
*Committee—Report—Third Reading—Peace Preservation (Ireland)* (100).

The House met at Twelve o'clock.

## PEACE PRESERVATION (IRELAND)

BILL.—(No. 100.)

(*The Lord President.*)

## COMMITTEE. THIRD READING.

Order of the Day for the House to be put into Committee, read.

*Moved*, "That the House do now resolve itself into Committee."—(*The Lord President.*)

LORD ORANMORE AND BROWNE said, he was glad to know that the Government felt themselves able to relax the exceptional legislation which had been in operation in Ireland; but he should have been better pleased to hear more valid reasons for the relaxation than any he had heard advanced in support of that course. It was beyond dispute that there was less crime in Ireland at present than there was some time ago; but he believed that was attributable to the repressive measures which it was now proposed to relax. It had been said that what were called the "conciliatory measures" of the late Government had been attended with good results. Instead of that, he believed they tended to the encouragement of discontent by giving rise to the conviction that by violence, people in Ireland might obtain from the Imperial Parliament anything they might choose to demand. It was a fact of some significance that at the present time there were in the other House of Parliament a larger number of Members favourable to the disintegration of the British Parliament than had sat in any previous Parliament. Again, threatening letters were more prevalent in Ireland at the present time than at any former period—a fact which showed that but for the existence of the Acts dealt with in this Bill crime would be rampant. He objected to the clause in the Bill which gave power to the local Justices to sign

applications for licences to carry arms. He feared that some of those magistrates, from a desire for popularity, and others from a feeling that there ought to be no Arms Act in existence, would sign for licences in cases in which the applicants were persons to whom licences ought not to be granted. Everyone would admit that measures such as the one before their Lordships were objectionable; but in the case of Ireland they were necessary, and as the Executive Government were sure never to go beyond what it ought to do in the exercise of extraordinary powers intrusted to it, he regretted that Her Majesty's Government had surrendered so much and gone so far in the direction of relaxation.

EARL SPENCER hoped their Lordships would allow him to make a few remarks on this occasion. He wished to do so because he had been a long time officially connected with Ireland while those extraordinary powers were being exercised, and as Lord Lieutenant he had the supervision of the manner in which they were applied. He did not rise to answer the speech of the noble Lord who had just spoken (Lord Oranmore), nor did he wish to discuss the policy of the remedial measures passed for Ireland by the late Government. He might, however, say that he had great confidence in those measures when they were before Parliament, and he confessed that his confidence in them had not since been shaken. He could not concur with those who expected an immediate effect from such measures. It required time for the Irish people to get over the traditions embedded in their mind as to the injustice of the Imperial Parliament; but he felt confident that in the end it would be found that those measures had not been thrown away, and that they were tending towards bringing about a cordial feeling between the people of the two countries. As to the Bill before the House, he thought there could be no doubt that no Government would ask for an exceptional measure of the kind unless it felt absolutely obliged to do so; and some passages of the documents read by the noble Duke (the Duke of Richmond) last night showed the necessity for the exceptional legislation asked for by the late Government in 1870 and 1871. A Government was bound to exhaust all the ordinary powers at its command before it was justified in

coming to Parliament to ask for exceptional powers. The late Government was obliged to take the latter course in 1870 and 1871, and he thought he might now point to the success of the legislation which they asked Parliament for in those years. Instead of anarchy and outrage prevailing over large districts, there had been an almost immediate cessation of that state of things. He did not mean to say that there had not been agrarian murders in Ireland since that legislation—it would take time to put an end to such crimes; but, though there had been some murders since the time to which he was referring, Her Majesty's Government would bear him out when he said that almost immediately after the passing of the extraordinary legislation proposed by the late Government those outrages which had reduced the country to a state of anarchy almost ceased to be heard of. He might, without presumption, take some credit to the Irish Government for the way in which that legislation had been administered, because he thought that the Acts of Parliament had been put in force with success, and, at the same time, without curtailing the liberty of any loyal and peaceful subject of Her Majesty. The only persons with whom those laws interfered were miscreants who were the leaders or tools of those societies which had devoted themselves to the instigation of outrage and murder, and the characters of these persons were well known in the neighbourhoods where they resided. He felt great satisfaction at learning that Her Majesty's Government, who had the best means of knowing the state of the country, felt at liberty to relax the powers which the Acts of 1870 and 1871 conferred. He felt satisfied that the Government was well advised in the matter, and he could not agree with the noble Lord (Lord Oranmore), who seemed to think that the immediate result of that relaxation would be an immediate revival of the illegal combinations which had spread so much alarm through the country. He quite admitted that it would be impolitic to put an end to those extraordinary powers altogether, unless there was evidence that those against whom they were aimed had given up their old traditions. It was, unfortunately, true that in many districts the lower orders of the population had been imbued with, and

brought up in the traditions of, Ribbonism. They acknowledged Ribbon Law, and scarcely admitted any other. Well, you would not get rid of such traditions all at once; and so long as the habits and customs to which they had given rise existed in certain districts, restrictive laws of greater or less severity must be continued for those districts. He shared in the antipathy to those measures which some hon. Members in "another place" were so fond of putting forward; but he could not agree with those hon. Gentlemen that those measures should be at once put an end to. Those hon. Members said—"How dishonest you are to ask for such measures, when at the same time you point to the increased wealth and general improvement of the country!" Now, though he did not agree with the noble Lord (Lord Oranmore), who seemed to be of opinion that the improvement in Ireland was to be entirely attributed to these laws, he did hold that they had had their effect in bringing about a beneficial change, and he believed that it was absolutely necessary to continue them in some districts in order that the people of those places should know that Parliament was determined to put down agrarian outrage and murder. He now came to the question of the Arms Acts. There were points in respect of them where he could have wished that some further relaxation had been proposed; but he had the greatest trust that the Government would handle the measure with justice, and still further relax its stringency if it saw its way to doing so. Though he differed from the Party who had now the conduct of affairs, he had full confidence that the present Irish Government would administer the law in a spirit of fairness and justice. As to the Arms Act, he wished to explain why it was that up to the time of his leaving Ireland the Government with which he was connected had not felt that it would be justified in relaxing that enactment. A great many of the counties in which it was in force were seaboard counties, and it unfortunately happened that either for the purpose of showing those from whom they received money that they were doing something, or for some other reason, the parties engaged in illegal organizations were in the habit of importing arms. Consequently, if the Government had relaxed

*Earl Spencer*

the Act in certain counties, they would have become centres for the collection and distribution of arms. He thought, however, that it might be possible to draw a legal distinction between the carrying of military arms and revolvers, and the carrying of other descriptions of arms. He hoped that although this point was not included in the present Bill, the Government might practically deal with it, and he therefore referred to this question in the hope that it would be taken into consideration. There was one alteration proposed in the Bill which he somewhat regretted. It was that which provided for the signing of the certificate to carry arms by two local Justices, on whose signatures the stipendiary magistrate was to act. He believed the stipendiary or resident magistrates had administered the law, with regard to granting certificates, in the most upright way possible. He certainly remembered a case which had been referred to in "another place," and which had given him a good deal of trouble. It was the case of a bank clerk at Portumna, in the county of Galway, to whom the resident magistrate refused a licence. When the case was brought under his notice as Lord Lieutenant, he communicated to that magistrate his opinion that he had not exercised a wise discretion in refusing the licence. But an isolated case could not throw discredit on the manner in which the resident magistrates had administered the Arms Act. Now, what would be the effect of the new clause requiring the resident magistrate to act on the certificate of two local magistrates? A resident magistrate had a large district. His district might, perhaps, embrace a large number of Petty Sessions divisions. In some of these, easy-going magistrates might sign certificates very freely—perhaps too freely; while in others, magistrates might be very severe and refuse certificates to respectable men, who without danger might be allowed to carry arms. A difference in practice as regarded signing certificates might arise from the law not being very well understood. A local magistrate might imagine that the Arms Act was intended to assist him in preserving game, and might refuse to sign a licence for a man who had frightened some game on his land. He hoped he was wrong; but he feared that cases would arise in which the proposed alter-

ation would place the resident magistrates in great difficulty. He also feared that in the North of Ireland they would be placed in considerable difficulty at times when religious differences stirred up the rival factions, and when processions were being got up. He thought that another alteration proposed in the Bill—that having reference to the manner in which compensation was to be awarded—was very advisable. In that respect through inadequacy in its wording the Act of 1870 had committed injustice. By way of illustration he might refer to a murder of the grossest character. A lady was murdered in the suburbs of Dublin. There could be no doubt that the murder was of an agrarian character, and that it had been planned in the Queen's County, though it was carried out in the neighbourhood of Dublin. Although the Irish Government used every effort to bring the perpetrator or perpetrators to justice, it failed in doing so—it never was able to obtain evidence; application was made for heavy compensation, and the Grand Jury of Dublin felt bound to grant it. Now, he need scarcely observe to their Lordships that it never had been contemplated by the framers of the Act of Parliament that the payment of compensation should fall on a perfectly innocent neighbourhood, as it had fallen in that case; but there could be no doubt that the wording of the Act made the compensation payable by the district in which the outrage had been committed. He hoped the alteration of the wording proposed in the present Bill would prevent the recurrence of such an injustice as that which he had just brought under the notice of their Lordships. He was satisfied that there was an improvement in the tone of Ireland, and he did believe that the people of Ireland would learn to have that confidence in the administration of the law which was entertained in England and Scotland. When they had, it would no longer be necessary to propose such laws as this; and he was confident that nobody in this country would rejoice more heartily than their Lordships' House at the arrival of that day.

LORD INCHQUIN concurred with the noble Earl (Earl Spencer) that the resident magistrates had carried out the Arms Act with great discretion, and he thought the change proposed by the

clause relating to application by two as of so doubtful e would be glad nent, even at the . would give a veto xcal Justices. In the the perpetration of er, a man's thumb, a off by the bursting firearm, was found re the outrage had e man to whom the l to have belonged ublic-house. That ation for another esident magistrate me from a distance hich the application ause it was believed , in the neighbour- id to vote against icence. He did not d justice of the ma- as a body; bearing in which they were d, he feared they e able to resist the l be brought to bear he necessary recom- a case the resident ve no option but to In some cases the ffice of unpaid ma- ersons who should ould prefer to see the Peace given to ners than to certain . Requisitions for articular gentlemen ere hawked about, es, he believed, by selves. Such a re- brought to himself his name already it being taken for who were asked for ld give them as a , would much prefer be allowed to stand y rate, that a veto to the resident ma- doubted whether d to compensation ation was withheld storily even in its was very difficult in t available evidence merely because no oming. The point

was one which it was not always decide.

THE LORD CHANCELLOR did not think that the difficulty hended by the noble Earl (Earl S and the noble Lord who had j dressed the House would arise f clause relating to the signing local Justices of the applicatio licence to carry arms, because n must the application be signed Justices in the locality of the ap but the latter must be a person an agricultural holding in the di the two magistrates signing the mendation. He thought that p would be sufficient to prevent being granted to improper person believed, also, that the change clause referring to compensation prevent any injustice, because i be for the Grand Jury to decide v evidence had been withheld in t rict in which the offence had bee mitted.

LORD CARLINGFORD said, not quite agree with the noble and Lord on the Woolsack on that par Bill which had reference to giving peal to the Judge of Assize in ma compensation. He could not thi the interpretation of the noble and Lord was correct, either in refer that question or upon the Arms c

*Motion agreed to.*

House in Committee accordingly reported without Amendment: Standing Orders Nos. 37. and sidered (according to Order), and d with: Bill read 3<sup>d</sup>, and passed.

AGRICULTURAL HOLDINGS (SCOTLAND) [H.L.]

A Bill for amending the Law rel Agricultural Holdings in Scotland—V sented by The LORD PRESIDENT; (No. 105.)

House adjourned at One o'clock, t the 28th instant, a quart Four



## HOUSE OF COMMONS,

*Thursday, 20th May, 1875.*MINUTES.]—SUPPLY—considered in Committee  
—ARMY ESTIMATES.PUBLIC BILLS—Ordered—First Reading—Post  
Office \* [180]; Survey (Great Britain) Acts  
Continuance \* [181].First Reading—Pacific Islanders Protection \*  
[182].Second Reading—Military Manœuvres \* [166];  
Public Stores \* [169]; Local Government  
Board's Provisional Orders Confirmation  
(No. 3) \* [165]; Railway Companies \* [162];  
Justices (Dublin) \* [171].Committee—Report—Endowed Schools Act (1868)  
Continuance \* [161].Third Reading—Metalliferous Mines \* [120];  
Pier and Harbour Orders Confirmation  
(No. 3) \* [143], and passed.ARMY—CLARK'S MODEL FOR DRILL  
INSTRUCTION—QUESTION.

MR. HAYTER asked the Secretary of State for War, Whether he has had under his consideration the Model for instruction in Drill, patented by Capt. E. P. Clark of the Hereford Militia, and approved by the Field Marshal Commanding in Chief and the Adjutant General, and if he approves of the same; whether he will direct any of the models to be issued for the instruction of officers and non-commissioned officers of the Army; and, whether he would be prepared to recommend the inventor for any reward?

MR. GATHORNE HARDY, in reply, said, that he had seen the invention in question, but did not himself pretend to express an opinion as to its merits. He had, however, referred the matter to the military authorities, who had also seen the invention, and, while they thought it was very ingenious, they were not of opinion that the War Department would be justified in incurring expenses either with regard to the issue of models for the instruction of officers and non-commissioned officers, or as to any reward to the inventor. In these circumstances, he was afraid the inventor must trust to his own ingenuity to recommend his model to the Army.

DIPLOMATIC RESERVE—THE GERMAN  
AMBASSADOR AND THE ROMAN CA-  
THOLICS.—QUESTION.

MR. SULLIVAN to asked the First Lord of the Treasury, If his atten-

tion has been called to the reports in the London morning papers of the 13th inst., from which it would appear that on the 12th inst. the German Ambassador to this country attended at and participated in the proceedings of a political club in this city, and delivered on that occasion a speech, in which, after making reference to the severe laws now being passed and enforced in his own country in reference to the exercise of the Catholic religion, he is reported to have used these words—

"I hope that struggle will be spared to this country for some time; but I think you had better look out in time. I think you see in Ireland what is going on; I think you have not to look too far to see what is preparing, and what will be the case in this country;"

and, I wish further to ask, whether the attendance of a Foreign Ambassador at such a political club, and the delivery thereof of such a speech, is in accordance with diplomatic custom; and, if not, whether Her Majesty's Government intend to take notice of such a proceeding?

MR. DISRAELI: Mr. Speaker, I read in the newspapers an account of the circumstances to which the hon. Gentleman has referred; and it appeared to me, so far as I could judge, that the observations in question were private remarks made at a club dinner. The hon. Gentleman describes the club as a political club. I was not aware that it was a political club, or that it could be particularly distinguished by the epithet he has applied to it. I should rather call it a religious club. The hon. Gentleman wishes me to say whether—

"The attendance of a Foreign Ambassador at such a political club, and the delivery thereof of such a speech, is in accordance with diplomatic custom?"

I should say it is not in accordance with diplomatic custom; but, at the same time, it is a thing which I have no particular wish to discourage. I think it hardly becomes a Ministry—an English Ministry—to discourage free speech under any circumstances; and, with respect to these particular observations, I should say it is, perhaps, not impossible that his Excellency may pay a visit to Ireland personally in the course of the autumn, and there find that there is no analogy whatever between the circumstances of the Roman Catholic subjects of the Emperor of Germany and those of the Roman Catholic subjects of the Queen.

the working classes and of the poor, as well as the comforts of the rich, were affected by it. Anyone who had had so long an experience of London as he had must be aware that much dissatisfaction was constantly expressed by all classes of persons respecting the purity and the price of gas. The whole subject demanded inquiry. As it was proposed to refer the Bill to a Select Committee, he hoped the House would agree to read it a second time without a division. He would be about the last man in that House to interfere with private enterprise or vested rights; but he took it that the recommendation of a Select Committee would be that the vested rights of the various companies should be dealt with not only equitably, but liberally.

MR. SAMUDA complained of the short notice hon. Members interested in this question had received that the second reading would be taken that night. With the principle of the Bill generally he was in accord and had no objection to it, as well as the two other Gas Bills, being referred to a Select Committee. It was right that the public should be protected by a Regulation Bill, and the general conditions of the Metropolitan Bill—with some few exceptions—he did not complain of. But he did complain of the interference of the Government with the proposals of the private companies. The Government, in fact, wished to impose terms on the companies as to the mode in which they should raise their new capital, and thus took on themselves to dictate both to the companies and the Committee of this House, to whose judgment the matter ought properly to be referred; and, acting under the influence of the Metropolitan Board, he supposed, thought it justifiable to insist on terms which it would be impossible to obtain. They said—"either you shall raise all your new capital on loan at 5 per cent, or you shall have an opposition to your project being passed." The Commercial Gas Company felt bound to reject these terms. He also thought the Government were acting on a mistaken notion in supposing that the interests of the public demanded that they should interfere in this way with private enterprise. If they thought that through the Metropolitan Board of Works or by any process of their own, they were in a position to purchase the

Gas Companies, he could not conceive that the companies would have any objection to sell their undertakings, and in such case it could make no difference in the amount to be paid for each undertaking how the capital had been raised, for the amount of purchase would be arrived at by fixing the number of years' purchase that should be given on the annual earnings of the company—as in the case of the Telegraphs—and the annuity of the company would form the only basis of purchase.

THE CHANCELLOR OF THE EXCHEQUER said, that the remarks of the hon. Member for the Tower Hamlets (Mr. Samuda) had reference not so much to the Bill before the House as to two private Bills enabling Gas Companies to raise additional capital. No doubt they might be coupled together. The question, however, was whether the present Bill should be read a second time with a view of referring it to a Select Committee in company with the two Bills of the private companies. The remarks which had been made seemed to imply that the present system was by no means entirely satisfactory. There were irregularities which it was desirable, in the opinion of the Government, to get rid of, and it would be necessary to establish a uniform system which might be applied to the whole of the Gas Companies of the metropolis. That necessity was so obvious that it was unnecessary for him to dilate upon it. The Metropolitan Board of Works had originally proposed to take power to purchase all the Gas Companies of the metropolis. He confessed that his feelings was against such a proposal, and the influence of the Government was employed to induce them to withdraw the Bills brought in with that object. Those two Bills being dropped the question with the Metropolitan Board of Works was, whether, if they were shut out from a measure for supplying gas to the metropolis, they should introduce a Bill by which they might satisfactorily regulate the action of the private gas companies. With this view a Bill had been drawn up, the great body of the provisions of which were either satisfactory, or might be made so. The House would do well, therefore, to give a second reading to the present measure, so that it might be considered by a Select Committee, which he hoped might be a

*Mr. Collins*

strong one, and put into a proper shape. Special reference had been made to the 6th clause, limiting the price to be charged for gas to a certain standard. This clause stipulated that gas of 10-candle power should be charged 3s. 9d. per 1,000 cubic feet; and it was provided that if the price were increased, the dividend was to be reduced. That clause would, in his opinion, amount to a breach of faith, and was an unfair clause to be adopted. If that clause were to be considered an essential principle of the Bill, the House would, he thought, pause before it gave its assent. It would be, however, a pity to lose a Bill that seemed to be a good one in many respects, if the House saw its way to some omissions in, or modifications of, that Bill. If the Bill were now read a second time, and went to a Committee, it would be the duty of the Government to watch it carefully when it came back; and if that clause came back in its present shape, it would be impossible to allow the Bill to proceed any further. He believed, however, it would be possible for the Committee to consider and amend the clause, and to send down the Bill in such a shape that it might pass during the present Session.

Mr. DODDS said, he thought they were discussing the Bill under very exceptional circumstances. A great many hon. Members took a lively interest in this question, and some of them had gone away under the impression that the Bill could not be reached that night; and as any discussion which the House might arrive at in their absence would not be satisfactory, he would move the Adjournment of the Debate.

Mr. SPEAKER pointed out to the hon. Member that, having seconded the Motion for the rejection of the Bill, it was not competent for him to move the Adjournment of the Debate.

Mr. R. SMYTH moved that the debate be adjourned.

Motion made, and Question proposed,  
 "That the Debate be now adjourned."  
 —(Mr. Richard Smyth.)

Mr. RITCHIE, in opposing the Motion for the Adjournment of the Debate, said, it was of the utmost importance that the Bill should be read a second time that night. If the debate were adjourned it was impossible to say when it would be resumed. With respect to the

Gentlemen who had left the House, that was a matter which concerned them only. He hoped the House would not give its consent to the Motion to adjourn the debate.

Mr. YOUNG said, he certainly understood that the second reading was fixed for that day week, and under that impression he had advised several weary Members who were interested in the subject to go home to bed.

Mr. LOCKE said, he could not make out why an inquiry was resisted. It was admitted that the gas supplied by the companies was infamous, and, further, that something must be done to remedy the existing state of things. The Gas Companies received more than they were entitled to, and they had evaded every provision in every Act of Parliament which was intended to limit their charges. Under these circumstances, he should support the Motion for the Adjournment of the Debate.

SIR JAMES HOGG, in reply, said: I do not think it is usual to move the adjournment of a debate when the matter has been so fully discussed as on the present occasion. This Bill came on for discussion soon after 9 o'clock, and it has now been on for more than two hours, and if it goes on for two hours longer I shall be happy to listen to all that may be said. As regards the hon. Member for Helston (Mr. Young), and the hon. Member for the Tower Hamlets (Mr. Samuda) I regret extremely that they did not hear me introduce the Bill, because, if they had heard my remarks, they would not have spoken in the manner they did. Whenever I have been asked as to the time when I should bring in this Bill I have always said that I should do so even if it were 15 or 20 minutes past 12 o'clock. As regards the remarks on the postponement, I never gave, directly or indirectly, any intimation to any human being that I would not bring it on to-night. On the contrary, the only thing that was said was, that if certain provisions were not accepted by certain Companies Her Majesty's Government would try to afford me a day if I could not get on to-night. I must say that I did not expect it to come on so early, and to me it was a matter of extreme inconvenience. But I need not dilate upon this subject. I need not trouble you with any further observations; but I say that the state of

affairs in regard to gas is not satisfactory. This Bill is trying to put them in a more satisfactory position than they occupy at present. During the whole of the discussion the only serious objection taken is with regard to that 6th clause. All that I can say is, that the promoters will, if the hon. Gentleman will withdraw his Motion and let the Bill go to a second reading, let that clause go to the Select Committee of the House of Commons, and will let the Committee say whether it is suitable or not. I am quite prepared to say let that be done; and if the Committee of the House of Commons consider that we place too low a price, we are prepared to give the greatest consideration to the Committee selected by the House of Commons. I do not think I could say more; and I hope the hon. Gentleman will withdraw his Motion.

COLONEL BARTELOT said, the principle of the Bill was contained in the 6th clause, and he must vote against the Bill, so long as that clause remained in it. If it were omitted, then the Bill could be referred to a Select Committee.

Question put.

The House *divided*:—Ayes 37; Noes 147: Majority 110.

Original Question put.

The House *divided*:—Ayes 132; Noes 57: Majority 75.

Bill read a second time, and *committed*.

#### TOWNS RATING (IRELAND)

BILL.—[BILL 139.]

(*Mr. Butt, Sir Joseph M'Kenna, Mr. Bryan, Mr. Ronayne.*)

#### SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [12th May], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Vance.*)

Question again proposed.

Debate *resumed*.

CAPTAIN NOLAN said, that as many of the Irish Members had left the House, he begged to move that the debate be now adjourned.

*Sir James Hogg*

Motion made, and Question proposed, "That the Debate be now adjourned."  
—(*Captain Nolan.*)

SIR MICHAEL HICKS-BEACH said, he did not see why the debate should be again adjourned. The Bill was brought forward for the first time yesterday by the hon. and learned Member for Limerick (Mr. Butt) in a short and moderate speech, and to all appearance there was a great desire, on the part of hon. Members from Ireland who sat opposite, for a division on the Main Question. He had himself risen at 25 minutes to 6 o'clock, and had endeavoured, as far as he could in five minutes, to state his reasons for opposing the measure; but it had been talked out by one of the hon. and learned Gentleman's own supporters. And now the House was asked to assent to an adjournment, because many of those who advocated the Bill were absent. That he did not regard as a fair mode of dealing with the question.

MR. BUTT thought, on the contrary, the interest of Ireland in the matter would not be fairly dealt with if the Motion for Adjournment were not acceded to. Over 1,000 voters—he had heard the number put at 2,000—had been disfranchised in the City of Dublin alone, because the same facilities were not given for placing men on the register as those which existed in England.

VISCOUNT ORCHTON believed the Bill was a most insidious measure, being a new Reform Bill in disguise. In the borough which he represented (Enniskillen) there was no grievance felt from the existing state of the law. He hoped the House would not consent to an adjournment of the Bill, but would throw it out by a large majority.

MR. SULLIVAN remarked that it was all very well for the noble Lord opposite to say what he did, when perhaps he owed his seat to the fact that a large number of people who ought to be his constituents were deprived of the franchise. What a terrible scare to that House, which sat under a Conservative Reform Bill, and to men like the noble Lord opposite to hear of another Reform Bill! This was essentially an instance of unequal law for Ireland. She would not be deceived by such proceedings as the present, but would declare in the presence of all Europe—he saw the Chancellor of the Duchy of Lancaster



(Colonel Taylor) laughing. It was the only argument that he ever contributed to their debates; perhaps, because it was the kind he was best fitted to contribute. ["Oh!" and "Order!"] If he had said anything unworthy of the most friendly feeling—if his observation was more impolite than the hon. and gallant Member's laughter, he withdrew it. He urged that the clauses of the Bill were copied from the English list, and it was not asking too much to postpone the measure for a fortnight.

SIR PERCY WYNNDHAM condemned the Bill. Ireland had hitherto been remarkably free from bribery and corruption at elections; but this Bill would put it into the hands of any one to agree to pay a man's rates in order to give him the franchise, which it would lower, while tending at the same time to corrupt practices.

MR. GOSCHEN differed from the hon. Member who had just spoken in his views with regard to the effect of this Bill. The hon. Member had said it would have the effect of lowering the franchise; but the franchise would surely remain at £4 in Ireland, whether this Bill passed or not. The question was whether those who were enfranchised by Act of Parliament were to be disenfranchised by overseers? He regarded this Bill simply as the application to Ireland of a system that had been applied to England. If it were an insidious attempt to lower the franchise the House would know how to deal with it.

Question put.

The House *divided*:—Ayes 52; Noes 127: Majority 75.

Question again proposed.

SIR HENRY HAVELOCK moved the adjournment of the House.

MR. LEITH seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."  
—(Sir Henry Havelock.)

MR. W. E. FORSTER said, he hoped the Government would not persevere in trying to force the hon. and learned Member for Limerick to proceed with this Bill. The course which the Government were taking in trying to force the hon. and learned Member to proceed was most unfair. It was an unprecedented course.

SIR MICHAEL HICKS-BEACH said, he would not have thought of asking the hon. and learned Member for Limerick (Mr. Butt) to proceed with the debate, had not the hon. and learned Member himself proposed to do so. [MR. BUTT: "No!"] The hon. and learned Member for Limerick proposed to go on with the debate, and then the hon. and gallant Member for Galway (Captain Nolan) moved its adjournment.

SIR WILLIAM HARCOURT said, the right hon. Gentleman the Chief Secretary for Ireland had not treated the hon. and learned Member for Limerick and the people of Ireland well in the course he had taken in reference to this question. What the Irish Members asked was that a measure which had been adopted in England should be extended to their own country. To shovel such a demand as was made out of the House by a peremptory vote of this kind was both unjust and impolitic. He should therefore vote for the adjournment in order to secure a full discussion of the subject.

MR. GATHORNE HARDY said, the hon. and learned Gentleman was not aware of the unprecedented circumstance which had occurred on the previous day, when his right hon. Friend (Sir Michael Hicks-Beach) endeavoured to meet the wishes of hon. Gentlemen opposite by giving them an opportunity for going to a division on this Bill. It was important that good faith should be kept; yet no division was taken, and the hon. and learned Member for Limerick to-night moved the resumption of the debate.

MR. BUTT positively denied that he had done so.

MR. GATHORNE HARDY supposed that his eyes must have been deceived when he saw the hon. and learned Gentleman take off his hat. Instead of desiring to crush the discussion, the Government had merely been acceding to the wishes of Irish Members that this matter should be brought to an issue at once. If hon. Members used the Forms of the House to obstruct the progress of Business, they would do so at the risk of the reputation they enjoyed in the House and in the country, even though their tactics were approved by the hon. and learned Member for Oxford. In conclusion, he might state there certainly had

been no attempt this Session to stifle any Irish question which had been brought forward.

Mr. BUTT said, he had understood that if he had proposed to adjourn the debate till Thursday the Bill would have been opposed, and exactly the same course would have been taken as had been adopted on the present occasion. Believing that if he himself moved the adjournment, he should be deprived of the opportunity of speaking on the Bill, he asked his hon. and gallant Friend (Captain Nolan) to move the adjournment in his stead. The present debate had been forced on from the other side. He had no indirect object in view. The occupiers in Ireland could only gain the franchise by claiming to be rated, and paying the rates the same as in England before the recent alteration. It was not fair to press this Bill on in the absence of any Irish Members who had left, under the impression that it would not be taken that night. He believed that if the Prime Minister had been in his place the debate would have been adjourned an hour ago.

THE MARQUESS OF HARTINGTON said, the debate ought to be adjourned, and that it was unprecedented to pursue such a course as that proposed by the Government, especially in the absence of many hon. Members who had left for Ireland. He did not think from the number of Orders which preceded it on the Paper that any one could fairly have expected that the Bill would be reached that night.

THE CHANCELLOR OF THE EXCHEQUER said, there had evidently been, through fault or through accident, misunderstandings on the subject. If the Motion for the Adjournment of the House were withdrawn, he hoped the next Business on the Paper would be proceeded with.

Question put, and *negatived*.

Question again proposed.

Debate *adjourned till Thursday next*.

#### PARLIAMENTARY SEATS (PEERS OF IRELAND) BILL.

On Motion of Mr. BUTT, Bill to enable Peers of Ireland, not being Lords of Parliament, to be elected and returned and to sit in the House of Commons for Irish Counties, Cities, Towns, and Boroughs, *ordered* to be brought in by Mr. BUTT, Mr. BRYAN, and Mr. SULLIVAN.

Bill *presented*, and read the first time. [Bill 170.]

*Mr. Gathorne Hardy*

#### METROPOLITAN POLICE (SURGEON, CLERK, &C. SUPERANNUATION) BILL.

On Motion of Sir HENRY SELWIN-IBBETSON, Bill to amend the Law respecting the Superannuation Allowances of certain officers of the staff of the Metropolitan Police, *ordered* to be brought in by Sir HENRY SELWIN-IBBETSON and Mr. Secretary CROSS.

Bill *presented*, and read the first time. [Bill 172.]

#### COUNTY CORONERS (ENGLAND) BILL.

On Motion of Mr. HENRY COLE, Bill to alter and amend the Law relating to the Election of County Coroners in England, *ordered* to be brought in by Mr. HENRY COLE and Mr. EDWARD JENKINS.

Bill *presented*, and read the first time. [Bill 174.]

#### ECCELESIASTICAL COMMISSIONERS (FEN CHAPELS) BILL.

On Motion of Mr. EDWARD STANHOPE, Bill for transferring to the Ecclesiastical Commissioners for England certain Estates now vested in the Fen Chapel Trustees, and to make the Acts relating to the said Commissioners applicable thereto, *ordered* to be brought in by Mr. EDWARD STANHOPE, Mr. SPENCER WALPOLE, and Mr. MALCOLM.

Bill *presented*, and read the first time. [Bill 173.]

#### PHARMACY BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to institute a Pharmaceutical Society, and to regulate the qualifications of Pharmaceutical Chemists in Ireland, and to establish certain relations between the Pharmaceutical Societies of Great Britain and Ireland, *ordered* to be brought in by Sir MICHAEL HICKS-BEACH and Mr. SOLICITOR GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 176.]

#### GLEBE LOAN (IRELAND) BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to amend "The Glebe Loan (Ireland) Amendment Act, 1871," *ordered* to be brought in by Sir MICHAEL HICKS-BEACH and Mr. SOLICITOR GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 176.]

#### JUSTICES (DUBLIN) BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to amend the Laws relating to the Justices of the Police District of Dublin Metropolis, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Sir MICHAEL HICKS-BEACH.

Bill *presented*, and read the first time. [Bill 171.]

House adjourned at a quarter after  
One o'clock till Thursday next.

## HOUSE OF LORDS,

*Thursday, 14th May, 1875.*

MINUTES.]—PUBLIC BILLS.—*First Reading*—*Agricultural Holdings (Scotland) (105).*  
*Committee—Report—Third Reading—Peace Preservation (Ireland) (100).*

The House met at Twelve o'clock.

## PEACE PRESERVATION (IRELAND)

BILL.—(No. 100.)

*(The Lord President.)*

COMMITTEE. THIRD READING.

Order of the Day for the House to be put into Committee, read.

*Moved*, "That the House do now resolve itself into Committee."—(*The Lord President.*)

LORD ORANMORE AND BROWNE said, he was glad to know that the Government felt themselves able to relax the exceptional legislation which had been in operation in Ireland; but he should have been better pleased to hear more valid reasons for the relaxation than any he had heard advanced in support of that course. It was beyond dispute that there was less crime in Ireland at present than there was some time ago; but he believed that was attributable to the repressive measures which it was now proposed to relax. It had been said that what were called the "conciliatory measures" of the late Government had been attended with good results. Instead of that, he believed they tended to the encouragement of discontent by giving rise to the conviction that by violence, people in Ireland might obtain from the Imperial Parliament anything they might choose to demand. It was a fact of some significance that at the present time there were in the other House of Parliament a larger number of Members favourable to the disintegration of the British Parliament than had sat in any previous Parliament. Again, threatening letters were more prevalent in Ireland at the present time than at any former period—a fact which showed that but for the existence of the Acts dealt with in this Bill crime would be rampant. He objected to the clause in the Bill which gave power to the local Justices to sign

applications for licences to carry arms. He feared that some of those magistrates, from a desire for popularity, and others from a feeling that there ought to be no Arms Act in existence, would sign for licences in cases in which the applicants were persons to whom licences ought not to be granted. Everyone would admit that measures such as the one before their Lordships were objectionable; but in the case of Ireland they were necessary, and as the Executive Government were sure never to go beyond what it ought to do in the exercise of extraordinary powers intrusted to it, he regretted that Her Majesty's Government had surrendered so much and gone so far in the direction of relaxation.

EARL SPENCER hoped their Lordships would allow him to make a few remarks on this occasion. He wished to do so because he had been a long time officially connected with Ireland while those extraordinary powers were being exercised, and as Lord Lieutenant he had the supervision of the manner in which they were applied. He did not rise to answer the speech of the noble Lord who had just spoken (Lord Oranmore), nor did he wish to discuss the policy of the remedial measures passed for Ireland by the late Government. He might, however, say that he had great confidence in those measures when they were before Parliament, and he confessed that his confidence in them had not since been shaken. He could not concur with those who expected an immediate effect from such measures. It required time for the Irish people to get over the traditions embedded in their mind as to the injustice of the Imperial Parliament; but he felt confident that in the end it would be found that those measures had not been thrown away, and that they were tending towards bringing about a cordial feeling between the people of the two countries. As to the Bill before the House, he thought there could be no doubt that no Government would ask for an exceptional measure of the kind unless it felt absolutely obliged to do so; and some passages of the documents read by the noble Duke (the Duke of Richmond) last night showed the necessity for the exceptional legislation asked for by the late Government in 1870 and 1871. A Government was bound to exhaust all the ordinary powers at its command before it was justified in

Government in the clause relating to the signing of the application by two local magistrates was of so doubtful a character that he would be glad to see an Amendment, even at the eleventh hour, which would give a veto on the action of the local Justices. In the county of Clare, after the perpetration of an attempt at murder, a man's thumb, which had been blown off by the bursting of a pistol or other firearm, was found near the place where the outrage had been committed. The man to whom the thumb was supposed to have belonged held a licence for a public-house. That man made application for another licence; and the resident magistrate applied to him to come from a distance to the Session at which the application was to be heard, because it was believed that the magistrates in the neighbourhood would be afraid to vote against the granting of the licence. He did not doubt the loyalty and justice of the magistrates of Ireland as a body; bearing in mind the manner in which they were too often appointed, he feared they would not always be able to resist the pressure which would be brought to bear upon them to give the necessary recommendation. In such a case the resident magistrate would have no option but to grant the licence. In some cases the men who filled the office of unpaid magistrates were not persons who should fill the office. He would prefer to see the Commission of the Peace given to some substantial farmers than to certain of those gentlemen. Requisitions for the appointment of particular gentlemen to the Commission were hawked about, and in some instances, he believed, by the candidates themselves. Such a requisition had been brought to himself for signature, with his name already written in pencil; it being taken for granted that those who were asked for their signatures would give them as a matter of course. He would much prefer that the law should be allowed to stand as it was; or, at any rate, that a veto should be reserved to the resident magistrate. He much doubted whether the clause with regard to compensation in cases where information was withheld would work satisfactorily even in its amended form. It was very difficult in some cases to say that available evidence had been withheld, merely because no evidence was forthcoming. The point

*Lord Inchiquin*

was one which it was not always easy to decide.

THE LORD CHANCELLOR said, he did not think that the difficulty apprehended by the noble Earl (Earl Spencer) and the noble Lord who had just addressed the House would arise from the clause relating to the signing by two local Justices of the application for a licence to carry arms, because not only must the application be signed by two Justices in the locality of the applicant, but the latter must be a person having an agricultural holding in the district of the two magistrates signing the recommendation. He thought that provision would be sufficient to prevent licences being granted to improper persons. He believed, also, that the change in the clause referring to compensation would prevent any injustice, because it would be for the Grand Jury to decide whether evidence had been withheld in the district in which the offence had been committed.

LORD CARLINGFORD said, he did not quite agree with the noble and learned Lord on the Woolsack on that part of the Bill which had reference to giving an appeal to the Judge of Assize in matters of compensation. He could not think that the interpretation of the noble and learned Lord was correct, either in reference to that question or upon the Arms clause.

*Motion agreed to.*

House in Committee accordingly; Bill *reported* without Amendment: Then Standing Orders Nos. 37. and 38. *considered* (according to Order), and *dispensed with*: Bill read 3<sup>d</sup>, and *passed*.

AGRICULTURAL HOLDINGS (SCOTLAND) BILL  
[H.L.]

A Bill for amending the Law relating to Agricultural Holdings in Scotland—Was *presented* by The LORD PRESIDENT; read 1<sup>st</sup>. (No. 105.)

House adjourned at One o'clock, to Friday  
the 28th instant, a quarter before  
Four o'clock.



## HOUSE OF COMMONS,

Thursday, 20th May, 1875.

MINUTES.]—SUPPLY—considered in Committee—ARMY ESTIMATES.

PUBLIC BILLS—Ordered—First Reading—Post Office \* [180]; Survey (Great Britain) Acts Continuance \* [181].

First Reading—Pacific Islanders Protection \* [182].

Second Reading—Military Manœuvres \* [166]; Public Stores \* [159]; Local Government Board's Provisional Orders Confirmation (No. 3) \* [165]; Railway Companies \* [152]; Justices (Dublin) \* [171].

Committee—Report—Endowed Schools Act (1868) Continuance \* [161].

Third Reading—Metalliferous Mines \* [120]; Pier and Harbour Orders Confirmation (No. 3) \* [143], and passed.

## ARMY—CLARK'S MODEL FOR DRILL INSTRUCTION—QUESTION.

MR. HAYTER asked the Secretary of State for War, Whether he has had under his consideration the Model for instruction in Drill, patented by Capt. E. P. Clark of the Hereford Militia, and approved by the Field Marshal Commanding in Chief and the Adjutant General, and if he approves of the same; whether he will direct any of the models to be issued for the instruction of officers and non-commissioned officers of the Army; and, whether he would be prepared to recommend the inventor for any reward?

MR. GATHORNE HARDY, in reply, said, that he had seen the invention in question, but did not himself pretend to express an opinion as to its merits. He had, however, referred the matter to the military authorities, who had also seen the invention, and, while they thought it was very ingenious, they were not of opinion that the War Department would be justified in incurring expenses either with regard to the issue of models for the instruction of officers and non-commissioned officers, or as to any reward to the inventor. In these circumstances, he was afraid the inventor must trust to his own ingenuity to recommend his model to the Army.

## DIPLOMATIC RESERVE—THE GERMAN AMBASSADOR AND THE ROMAN CATHOLICS.—QUESTION.

MR. SULLIVAN asked the First Lord of the Treasury, If his atten-

tion has been called to the reports in the London morning papers of the 13th inst., from which it would appear that on the 12th inst. the German Ambassador to this country attended at and participated in the proceedings of a political club in this city, and delivered on that occasion a speech, in which, after making reference to the severe laws now being passed and enforced in his own country in reference to the exercise of the Catholic religion, he is reported to have used these words—

"I hope that struggle will be spared to this country for some time; but I think you had better look out in time. I think you see in Ireland what is going on; I think you have not to look too far to see what is preparing, and what will be the case in this country;"

and, I wish further to ask, whether the attendance of a Foreign Ambassador at such a political club, and the delivery thereof of such a speech, is in accordance with diplomatic custom; and, if not, whether Her Majesty's Government intend to take notice of such a proceeding?

MR. DISRAELI: Mr. Speaker, I read in the newspapers an account of the circumstances to which the hon. Gentleman has referred; and it appeared to me, so far as I could judge, that the observations in question were private remarks made at a club dinner. The hon. Gentleman describes the club as a political club. I was not aware that it was a political club, or that it could be particularly distinguished by the epithet he has applied to it. I should rather call it a religious club. The hon. Gentleman wishes me to say whether—

"The attendance of a Foreign Ambassador at such a political club, and the delivery thereof of such a speech, is in accordance with diplomatic custom?"

I should say it is not in accordance with diplomatic custom; but, at the same time, it is a thing which I have no particular wish to discourage. I think it hardly becomes a Ministry—an English Ministry—to discourage free speech under any circumstances; and, with respect to these particular observations, I should say it is, perhaps, not impossible that his Excellency may pay a visit to Ireland personally in the course of the autumn, and there find that there is no analogy whatever between the circumstances of the Roman Catholic subjects of the Emperor of Germany and those of the Roman Catholic subjects of the Queen.

## SUPPLY.

Order for Committee read.

Motion made, and Question proposed,  
"That Mr. Speaker do now leave the Chair."

ARMY—THE WAR DEPARTMENT—  
BRITISH TROOPS IN INDIA.

## RESOLUTION.

COLONEL JERVIS, in rising to move—

"That the relations of the War Department with the India Office, as regards British Troops serving in India, are unsatisfactory and prejudicial to the public interest,"

said, the Judge Advocate General, when asked a Question on this subject some time ago, said it was part of a much larger question, and could give no assurance that anything would be done. Up to the year 1858, when the Department of the Secretary of State for India was first created, there had never been any doubt in the minds of soldiers of the British Army as to what their position was when they were ordered to proceed to India; but since then an extraordinary state of confusion had arisen, and he felt that unless something were done to remedy the existing unsatisfactory state of things it would lead to serious evils. At the present time no man serving in India could tell, when he had a grievance, to whom he ought to refer it—whether to the Commander-in-Chief at home or to the Commander-in-Chief in India. Similarly, he could not tell who was responsible for the redress of grievances. With regard to the question of enlistment, and as to how far the British Treasury was to be drawn upon in order to have efficient and able soldiers sent to India and at the proper age, he had observed that the India Office had done its best to put heavy pressure on the War Department in order to promote what was called economy, and the result had been an inferior article. They wanted disciplined and efficient men, of good constitution, and possessing intelligence, to serve in the Army, and he could remember the time when in India it was held almost worth while to convey soldiers on elephants' backs, instead of killing them on the march, every man being so valuable. Originally, the European troops in India numbered about 8,000. About the time of the Mutiny they consisted of 12,000. In 1859 an Act was passed enabling the Secretary

of State for India to levy 30,000 Europeans to serve in India, independently of the rest of the Army. Thus they had the India Office and the War Office in the same country levying different forces—a system which it was soon found could not work—and it had to be done away with. It was felt that the British force which garrisoned India should be part and parcel of the British Army, and should take their turn of service in India with the rest of that Army. For several years past a correspondence had been going on between the Secretary of State for India and the Secretary for War on this subject, but nothing had been settled. When the present Ministry came in, the matter was in such a state of confusion that they referred the whole thing to the arbitration of a very able man—Mr. Bouverie, formerly Member for Kilmarnock. When the present Army Estimates were introduced, they were not informed whether those differences had been settled; and he should be glad to hear from the Secretary of State for War what was the basis on which recruits were to be sent out to India; whether they were to be efficient soldiers or only raw recruits; and whether the financial difficulties of the India Office and the War Department had been adjusted in a manner that would be satisfactory to the country. To enlist a man under certain promises was one thing, and to fulfil those promises appeared to be another. A serious complaint was made by the India Office on account of the increase of 2*d.* a-day to the pay of the soldier, granted some time ago. The India Office said they had not been consulted on the matter, and that they could get their men for less money in the market. A little inquiry on their part might have shown them that they could not; but it showed that there was no proper co-operation between the two Departments. That increase of pay was brought forward by General Peel, and fully discussed in that House, and it was unanimously approved. In 1870, as a further inducement to men to enter the service, short service was established, and afterwards, in order to obtain their Reserve, power was given to the Secretary of State for War to allow a man after three years' efficient service to go into the Reserve. Now, service in India had been regarded as a pleasant service, because the men were used to greater

comforts there than they had at home; and when a regiment was ordered home, the Government, for its own advantage and to save expense, held out inducements to the men to remain in India, and many availed themselves of those inducements. On the other hand, many men did not wish to remain out there, and the opportunity of going into the Reserve acted as an incentive to the men to behave well and get home. That question was raised, among others, before a Committee in which the hon. Member for the Stirling Burghs (Mr. Campbell-Bannerman) took an active part; and a suggestion appeared to have been thrown out whether it would not be well that faith should be broken with the soldier out in India. That suggestion, as appeared from this evidence, was, that although a circular had been sent out giving the commanding officers of regiments power to say that a man who had served well for three years should have leave to retire into the Reserve at home, that arrangement should be interfered with. When those things occurred and became known, it was hardly surprising that it was not so easy to get recruits as they could wish. The Army ought to feel that it was dealt justly by, and that it could rely on those whom it trusted. He should like to know how it was that a Warrant affecting the Army at large could not be put in force in India. The Committee which sat last year had distinctly recommended that the various matters which had been brought under their consideration should be settled before the next Session of Parliament; but when he the other day had put a Question on the subject he was told that nothing could be done without the Correspondence. It had been said, he might add, on the part of the representatives of the India Office that they had been taken unawares, suddenly finding that a large burden was to be thrown on the revenues of India, and that they were quite unprepared for the responsibility. The Under Secretary of State for India last year informed the House that the allowances to officers under the system were upon a large scale, and that they derived from them considerable emolument. There was, however, he thought, some misunderstanding on that point, for they remonstrated with the Commander-in-Chief in India, who, he believed, had

written strongly with regard to it more than once, and yet, would the House credit it, that up to the present day not a single answer had been sent to those letters, and that the officers had been left for three years without any notice having been taken of their complaints? Now, what he wanted to know was who was responsible for this. Was it the War Office, the India Office, the Commander-in-Chief in England, or the Commander-in-Chief in India? When the Secretaryship for War was constituted it was distinctly agreed that the holder of that office should have the entire responsibility of the British Army, wherever it was, and that the Commander-in-Chief was to be his military adviser. It appeared, however, that the India Office acted in a perfectly independent manner. It was a great reproach to the country that it had taken 16 years for a man to endeavour to redress the grievances so much complained of. He looked forward now in hope that explanations would be given showing that there was a concord between the two Departments which might restore the past concord to the whole service. Looking at our own position and the condition of affairs in the East he trusted that we might have a cheerful Army upon which we might rely on all occasions. The hon. and gallant Gentleman concluded by moving his Resolution.

GENERAL SIR GEORGE BALFOUR seconded the Motion.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the relations of the War Department with the India Office, as regards British Troops serving in India, are unsatisfactory and prejudicial to the public interest,"—(*Colonel Jervis*),

—instead thereof.

MR. GATHORNE HARDY explained that if he had not answered the Question put to him in the earlier part of the Session it was simply because his hon. and gallant Friend on that occasion did not conclude with a Motion. There was a Motion before the House on which he desired to speak, and had he replied to his hon. and gallant Friend he would have been precluded from speaking for the remainder of the evening. [*Colonel Jervis* stated that he had made no charge of negligence against the right hon. Gentleman.] With respect to the rela-

tions existing between the War Department and the India Office, he (Mr. Hardy) could only say that he had never found any difficulty in carrying on whatever business had to be done. On the contrary, he had always met with ready attention from the India Office whenever a subject was brought under their notice. It was true that a dispute had long existed between the two Offices with regard to the price India ought to pay for recruits; but it had been referred for settlement to a Committee of which Mr. Bouverie was made Chairman, and he regretted that he was not now a Member of the House. The difficulty was one which required the most careful consideration; and, as the negotiations were still going on, it was impossible for him to express an opinion on it at present. With regard to the length of service, there was, he believed, no occasion for disagreement. It was quite obvious to all parties that a longer period of service than three years was desirable; otherwise the cost of sending out recruits to India would become excessively heavy. With regard to the question of Warrants, there could be no doubt that the fixing of allowances, &c., ought to be left to those who had the control of the money in India. No doubt difficulties might arise in consequence of the difference in the circumstances of the two countries, but he was not aware that any had arisen. The Commander-in-Chief in India was always connected with the Army at home, and if there were any difficulties they would, no doubt, be brought under the notice of the War Department. As for the grievances of the officers of Artillery, they were now settled, the new arrangement dating from April of the present year. Upon the whole, he could assure his hon. and gallant Friend that the relations between the two Departments were not of a complicated and injurious character, and he did not think there was any ground for the Motion which he had submitted to the House.

MR. CAMPBELL - BANNERMAN stated that the differences between the India Office and the War Department appeared, from the investigation conducted by the Inter-Departmental Committee, to have arisen, in great measure, from the alterations which had been made in our military organization as well as from the complicated nature of

the question itself. The reason why no conclusion had yet been arrived at by that Committee was that the whole circumstances of the case had changed in the course of their inquiry, and they could only decide in reference to accounts in arrears. With respect to the introduction of the short service system, whereby a recruit might be permitted in certain cases to pass into the Reserve after three years' service, nothing could be done by the action of a commanding officer unsupported by a higher authority, so that there was no fear of the new regulation being wantonly applied to the prejudice of the finances of India. His experience in the matter had been that the India Office was fully consulted in all the changes that took place, and he felt sure that this would continue to be the case. On the other hand, it was only right to say that it was out of the question for the Government of India to expect that their organization and system should be framed expressly to meet their ideas. India must hold the second place in our consideration, but he was sure that both the Secretary of State and the Commander-in-Chief would show every desire to meet the requirements of India as far as it was possible for them to do so.

GENERAL SHUTE said, he was glad to find that the grievances as regarded the majors of the Royal Artillery quartered in India had at length been disposed of. After three Royal Commissions had sat unsuccessfully as regarded promotions in that branch of the service, it had been found impossible in the Artillery, in consequence of having no system of purchase, to procure a full flow of promotion, and various plans had been adopted in order to remedy that state of things. Some years ago, with that view, it was suggested majors were unnecessary, and forthwith all the majors were made lieutenant-colonels. Lately, however, it had been found desirable, partly with the same object, to provide the Artillery with majors, and, accordingly, all the first captains had been made majors; but they complained—and, as he thought, with justice—that those in India did not receive major's allowance, and that in England majors of Horse Artillery did not receive forage at the contract rate equal to that which was paid to officers of the same rank in the Cavalry branch of the service.

*Mr. Gathorne Hardy*



SIR HENRY HAVELOCK remarked that the most persevering efforts had been made to show that for many years the system pursued by the War Office had been to make charges against the Indian Government which ought not to be borne by them, and that we had been charging for a number of soldiers who ought not to have been charged for. Some of the best informed witnesses had exploded that allegation from beginning to end; but it had since been repeated in every possible way in order to induce people to believe that that country was suffering under that grievance. He regretted that the House was not in possession of the results which had been arrived at by the intermediate Committee; but he believed it could be shown that there was no foundation for any of these charges. The cost of bringing back from India men who, under the short service system, claimed their right to pass into the Reserve at the end of three years and replacing them by other men from home, was, without doubt, great; but he thought it might be avoided by giving the short service men the option, before the time for embarkation came, of transferring themselves to home battalions, or if they went out to India, of re-engaging after the expiry of their short term of service for other six years on receipt of a small bounty.

COLONEL JERVIS, in explanation of what had fallen from the Secretary of State for War, said the officers would not be satisfied with payment from the 1st of April last; what they claimed as a right was payment from the date of the Warrant. With the permission of the House, he would withdraw his Amendment. ["No, no!"]

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

#### ARMY (RECRUITS).

##### OBSERVATIONS.

LORD ELCHO said, that he was reluctant again to obtrude himself on the notice of the House on the Army question, and the more so as he should stand between the House and Supply. The present Government had not abused the power of their majority by taking away, as the late Government had done, the time-honoured privilege of bringing for-

ward grievances on Supply, and he thought, therefore, that Members should be chary in its exercise. His right hon. Friend the Prime Minister, speaking of his (Lord Elcho's) former Motion, said, that although it was of national importance, it was not urgent. He ventured to think that if the Army was in an unsatisfactory condition, it was a matter of urgency to endeavour to set it right, and the "scare" that had since then occurred, and which had set all Europe and our Foreign Office in a tremour, justified this view. We could not afford to wait for the uncertain results of an uncertain future for the 80,000 Reserve men whom the hon. Member for the Stirling Burghs (Mr. Campbell-Bannerman) had told them they would have, under the Brigade dépôt system, in 10 or 12 years. 10 or 12 years! He would be a bold man who would say what will then be the form of the map of Europe, or who would, in the present state of European armaments and feeling, be content to wait and do nothing with our Army as it was. He therefore should submit to the House a Motion which naturally followed from the facts elicited in the discussions they had had on Army matters; but before doing so he would shortly summarize those facts, as it was only by statement, re-statement, repetition, and so-called "damnable iteration," that these things could be dinned into the mind and heart and conscience of the nation; and in bringing these matters before the public he was doing good service to the Government by preparing the public mind for measures which, though disagreeable, were inevitable if the Army was to be put on a proper footing. What, then, were the facts that had been thus elicited in debate? 1st. As to the Artillery, instead of having, as was stated, 336—horse-artillery and field-guns fully manned and horsed—it had been shown that we had only men and horses enough for 120 on a war establishment, and that 5,000 more artillerymen and 8,000 horses would be required to complete the remainder; that as regarded the Infantry, we had on the Home establishment 10,000 men less for the current year than we had in 1853, while the Army Estimates had increased during the last 22 years from £9,000,000 to £13,500,000. Our regiments now, instead of being solid, homogeneous bodies of men as they were in 1853, containing a minimum of 850

and a maximum of 1,200 rank and file, were mere skeletons having a minimum of 520, and a maximum of 820 in India; thus the minimum of 1853 was greater than the maximum of 1875. To fill up these skeleton battalions to an effective war strength, it had been shown that we had not much more in reserve than half of the number of the men required, and that of these three-fourths were half-trained Militia. It had further been shown that if we deducted lads under 20, and one-fifth for casualties—a very small reduction, as he knew that Lord Raglan used to say that they considered themselves lucky in Spain when they could turn out three-fourths of their total nominal strength—we could only bring 30,000 bayonets into the field for home defence and for the re-inforcement of our Indian and Colonial establishments. Lastly, it had been shown that the Recruiting Reports when read without the qualifying sentences revealed a most unsatisfactory state of things, and that the Inspector General of Recruiting looked with alarm to the time, rapidly approaching, when the full strain of the short-service system would be felt. But the most important fact elicited as yet was the admission of the Secretary of State for War that 30 per cent of our Infantry were “very unsatisfactory.” [Mr. GATHORNE HARDY: I said of the recruits.] He was certainly reported and understood to say of the Infantry; but in any case the number of boys and very unsatisfactory men now serving was admitted to be very large. Now, it was with these that his Resolution proposed to deal. It was as follows:—

“That, while expressing no opinion as to the necessity or expediency of enlisting or training immature lads for the service of the Crown, with a view to their ultimate development into efficient manhood, this House is of opinion that no youth under twenty years of age should be reckoned an effective soldier and borne, as such, on the Army Estimates; and this House is further of opinion that the number of youths under twenty years of age enlisted, and serving in each arm of the Service, should be annually and separately stated in the Estimates.”

The House would observe that his Resolution dealt with two branches of the subject, that of recruiting and that of efficiency. With regard to the first of those questions, he observed that a gallant General opposite (Sir George Balfour) had given Notice of an Amendment to the effect that before adopting his

(Lord Elcho's) Resolution certain things recommended by the Royal Commission of 1866 should be tried. When recently at Aldershot an officer had said to him—“I see Sir George Balfour is going to fire a lot of small shot into you,” his reply was—“That small shot was a very good thing at times, that without it one could not kill snipes; and the gallant General appeared to think that without his Amendment they could not bag small boys.” He had no objection whatever to the Amendment, except that it in no way touched his Motion, for he invited no opinion as to the age at which lads should be enlisted. His own opinion, however, was, as he had stated on a former occasion, that it was a most extravagant system to enlist boys of 16, 17, and 18 years of age, who, by the time they had grown up into effective soldiers, would have cost the country an enormous sum. But if the Secretary of State for War, in the present condition of the labour market, thought it necessary to maintain nurseries and training-schools for soldiers, he could only enter his protest against the system as being a very expensive one. It was, then, to the second part of his Resolution that he wished specially to direct the attention of hon. Members, and on that part of it he should ask the House to pronounce an opinion.

MR. SPEAKER reminded the noble Lord that as the House had negatived the previous Amendment, no division on the present Resolution could be taken.

LORD ELCHO regretted that the Forms of the House would not permit a division to be taken on the question, as many hon. Members had expressed their intention of supporting the Motion, and he had himself said that if he could get anyone to accompany him into the Lobby he would divide the House upon it. As it was, he gave Notice that if alive and in the House next year he would again bring this question forward, unless he found, as he hoped would be the case, that the Secretary of State would accept the principle of his Resolution. It was, in fact, only an extension of that which the House had unanimously adopted in 1871, when it was agreed, on the Motion of his hon. Friend the Member for Finsbury (Mr. Torrens), that no soldier under 20 years of age should be sent upon foreign service. He now asked the House—for the sake of the boys them-

*Lord Elcho*

selves, for the sake of humanity, for the sake of the Army, and for the security of the Empire—to declare that no boy under 20 should be regarded as an effective soldier at home. All authorities, military, medical, lay, foreign as well as English, agreed that until he had attained the age of 20, a lad was not fit to be classed as an effective soldier. He should not trouble the House with quotations upon this point, his hon. Friend the Member for Finsbury having gone so fully into the physiology of the question in 1871, and again the other night, when he so eloquently and pathetically described his visit to the museum at Netley Hospital, where he saw the gristly—for they were not osseous—skeletons of the immature soldier-lads whom our system had sent to a premature grave. All that he would say further upon this point was that Dr. Parks, of Netley, in his work on *Military Hygiene*, said that soldiers under 20 years were not fit even for the heavy duties of peace; that he had met Sir William Fergusson, the celebrated London surgeon, the other day, and asked him at what age an English lad was well-grown and fit for hard work, and his reply was—“He did not think there was much wrong with the old English law which fixed maturity at 21.” He also held in his hand a letter from the late Chaplain General, Mr. Gleig, whose name could nowhere be mentioned without honour, whose experience of soldiers in war under the Duke of Wellington, and whose life since had been so long and usefully spent in their midst, gave the greatest value to his words. Mr. Gleig said—

“You did not hazard a statement upon the constitution of the Army to which I do not entirely subscribe. It is nonsense to talk of the necessity of enlisting boys—otherwise we should have no Army at all. Better be without an Army than run the risk of being involved in war with a force at our disposal that would melt away through sickness and the inability of the men to carry their packs and ammunition, without giving the enemy the trouble to beat us in the field.”

Instead, however, of pursuing the military argument further, he would rather refer to every man's daily experience in ordinary life as to the physical capabilities of youth and manhood. He was addressing an Assembly where possibly some who heard him might have pulled in the University boat-race. Now, he

was no betting man; but had he been so, he would not have minded betting that no youth under 20 had pulled in that race, or that nine-tenths of those who had done so were over 20. The Secretary of State for War was reported to have said, the other night, that the labour of a lad of 18 was worth as much as the labour of a full-grown man; but, as the right hon. Gentleman shook his head, there was no doubt some mistake in the report. He would, however, confidently appeal to any Member of the House acquainted with mining, ship-building, agricultural labour, or factory work—in short, any occupation requiring much physical labour—to say whether a man was ever regarded as full-grown, or obtained a full-grown man's wages, till he was 20 or 21 at least. Why, an apprentice was bound until he was 21. A right hon. and gallant Admiral (Sir John Hay) cheered that statement, and that reminded him of the Arctic Expedition. He should like to know how many lads under 20 were going there as able seamen? Not one, he felt sure. Similar considerations prevailed with regard to animals. Who would think, for instance, of running a two-year-old against the Derby three-year-olds? The hon. Members for Mid Lincoln (Mr. Chaplin) and Dorset (Mr. Sturt) differing upon other points connected with horses, would, at any rate, be agreed upon that point; and if his hon. Friend the Member for Dorset were to become a more successful breeder of horses than by his own account he appeared to have been, and were to run a two-year-old against a three-year-old, it was he that in such case would not dare to look his mares in the face. Who would think of riding a three-year-old across country, or putting one in the ranks of our Cavalry? In Germany Cavalry horses were not thought effective until they were five years old; and in a recent work, the *Remontirung* of the German Army, it appeared that the horses under six years of age had lasted only a short time in the late war. Finally, let him refer to game preserving. There were doubtless many game preservers who heard him; he asked them would they hire lads of 17, 18, 19 as watchers to keep off poachers and preserve their pheasants? Now, he might go on thus multiplying examples from ordinary daily life as to the comparative inefficiency of immature

and full-grown creatures; but he would be satisfied by asking whether they would continue to treat their soldier boys differently from what they did their horses, and be satisfied to protect their Empire by means which they would not consider sufficient for the protection of their pheasants? It would, however, be well that he should anticipate one or two arguments that were likely to be brought against the position he had taken up. On the very morning after he had given his Notice an article appeared in *The Times* denouncing it as a monstrous Motion. No doubt, it was a high compliment to him that, almost before the ink with which the reporter recorded the Notice was dry, a leading article was penned with regard to it. This showed how his shot had told. The article drew attention to the Motion "as a specimen, voluntarily offered by its author, of the accuracy and the spirit of such attacks as were made the other night upon the present state of the Army;" and it added that some patience was required in dealing with such criticisms. It stated that a Return had recently been laid on the Table of the House showing that the average age of the Infantry recruits was 19 years and nine months; and this, it said—

"Was within three months of the very 20 years for which Lord Elcho contended. We have surely a right to ask with some urgency on what principle assertions are thus persistently reiterated which are inconsistent with the plain facts and figures officially and responsibly placed before us."

Now, anything more misleading than all this had never been published by a leading journal. This was no question whatever of an average. The question was whether the age of 20 ought not to be absolutely the age under which no recruit should be reckoned as effective, and when taken to task, as it had been, by *The Pall Mall Gazette*, *The Times* tried to back out by saying that—

"The only objection to the conclusiveness of their reply can be that an average may be composed of extremes, and that it is possible a few of the recruits may be too old and a great number of them too young."

But he had no fear that either the right hon. Gentleman the Secretary for War or any other Member of the House would take *The Times'* view of averages, which had nothing whatever to do with the question at issue. There was, however, a graver matter to which he wished

*Lord Elcho*

to call attention—namely, a remarkable speech of His Royal Highness the Duke of Cambridge delivered on a remarkable occasion. The occasion was a dinner at Willis's Rooms, given by his hon. and gallant Friend the Chairman of the Metropolitan Board of Works (Sir James Hogg), to celebrate the excellence of his administration, and at which, to bear testimony to it, he had secured the presence of His Royal Highness the Prince of Wales and the Duke of Cambridge. Now, he (Lord Elcho) had the honour of submitting his Motion on the Army to the House of Commons on the 20th April, and this dinner took place on the 24th. His Royal Highness was reported to have said—

"I must confess I have been somewhat staggered by many of the assertions which have been brought to my notice, and on this point I may be permitted, very cursorily, to remark that yesterday, in the course of my professional duties, I had an opportunity of going to see as much as I could of the troops at Aldershot, and all I can say is that, while deprecating war and hoping the necessity may not arise, I am perfectly prepared to-morrow, at five minutes' notice, to take every man of that force with me and to go anywhere, without seeing any reason why they should not perform their duty just as well as the British Army has ever done in times past."

This passage was printed in italics in a leader in *The Times* newspaper, and was followed by this remark—

"That, it appears to us, is a very strong declaration. It recalls some famous military phrases, and His Royal Highness must have well understood its significance."

The famous military phrases here alluded to must necessarily have meant the famous saying of the Duke of Wellington, who, speaking of the army he had in Spain, said that with it "he could have gone anywhere and done anything." Now, this passage in the Duke of Cambridge's speech was so important that he (Lord Elcho) wished to analyze the force that was reviewed by His Royal Highness at Aldershot. In so doing he would speak with the utmost respect of the Duke of Cambridge. He had the honour of knowing His Royal Highness, who had always been very kind to him. There was no man for whom he entertained a higher respect; there was no man whom the country more highly esteemed. His Royal Highness was ever forward in the cause of charity, and whenever he appeared before a Committee or Commission on Army matters, it was admitted by all that no man was

so conversant with all the details of the Army as His Royal Highness. The Pope had recently said that the nations required a lamp, as those did who visited the Catacombs, and that he held a lamp to give light to the world. He (Lord Elcho) thought that a visitor to Aldershot also required a lamp. This he held in his hand in the form of the Aldershot Field-state, and he proposed to turn its light upon His Royal Highness's speech. It was no doubt somewhat difficult to obtain information upon these subjects, as His Royal Highness had told the officers at Aldershot that they should "wash their dirty linen at home," as he expressed it. He (Lord Elcho) might also mention that, as one of the Council of the United Service Institution, he, after the recent three days' discussion they had there on recruiting, was summoned to consider a message from the Duke of Cambridge, their President, to the effect that, in his opinion, it was desirable that the discussions at the Institution should be confined to scientific subjects. But the Council, thinking in a free country free speech should not be discouraged, dissented from His Royal Highness's view, and unanimously agreed that the discussions should continue as heretofore, controlled only by the Chairman of each meeting. But let him first, in these days of selection, state that his information was not obtained from any official. He got it from a gentleman who knew as much as any official upon these matters, and that was the "man in the street." There was only one person who knew more about these things, and that was the Prussian military *Attaché*. Therefore, let it not be said that he (Lord Elcho) was telling tales out of school. Foreign nations knew every gun, every horse, and every man in the service of this country, what was efficient, and what was not; the only person ignorant of these things was the British taxpayer. He now came to the state of things at Aldershot, and he would read some extracts from the Field-state of the 23rd April. He had headed these extracts "His Royal Highness's Five Minutes' Army." The total on parade—all ranks—was 7,208 men; the casualties, which included sick, on guard, and other duties, were 3,046; that made a total of 10,254. The 7,028 on parade included Artillery, Cavalry, Engineers, Military Train, &c. He would take the

Artillery first. There were six batteries, one of them being a horse battery and the other five field-batteries, making a total of 36 guns. The war establishment of one horse and five field-batteries at 230 men and 250 horses for a horse-battery, and 269 men and 253 horses for a field-battery, would require 1,575 men and 1,515 horses. There were on parade 571 men and 510 horses. This Army, therefore, which was prepared to go anywhere and do anything at five minutes' notice, required 1,004 men, or, including 378 casualties, 626 men and 967 horses, including 38 casuals, to complete the 36 guns to a war establishment; and we had, it should be remembered, no reserve of men or horses in the Artillery, which was now considerably below its peace establishment. The total of the Cavalry on parade was 877 men, the number of the casualties was 767, making a total of 1,644 men for three regiments. The horses on parade were 820, casuals 181—total, 1,001, which gave 543 men without horses. In the Cavalry also we had no reserves of men or horses. On the last occasion when he had the honour of addressing the House on these matters he said that Infantry was the substance of an Army; he would now show its state on parade at Aldershot. The total Infantry of all ranks that paraded before His Royal Highness on this occasion was 5,332. There were three brigades made up of 11 regiments; seven of these regiments had *depôt* companies attached to them; including casualties, 1,603, the total of the Infantry was 6,935 of all ranks. Having a detailed state of the 3rd Brigade, he found that the total of all ranks was 1,947. The field officers were 8, the company officers 70, regimental staff 4, sergeants 115, band, drummers, and pioneers 316, making a total of 513, or about one-fourth, to be deducted from the 1,947 of all ranks to get the number of rank and file, which was thus found to be 1,434, including *depôt* companies attached to three of the regiments. If, then, he deducted one-fourth for officers, non-commissioned officers, band, &c., from the 5,332 of all ranks on parade, and if he further deducted 420 men for the seven *depôt* companies, calculated at 60 men per *depôt*—a very moderate calculation, as the proper strength of a *depôt* was 140 of all ranks—and if he further deducted 20 per cent for men



under 20 years or unsatisfactory, making 730, the total of 5,332 men of all ranks on parade was thus reduced to 2,954 effective bayonets, or an average for 11 regiments of 267 men per regiment. Such then was, when fairly analyzed, the actual state of the Army with which, at five minutes' notice, His Royal Highness was prepared to go anywhere. He had every respect for His Royal Highness's courage; but he could not entertain a like respect, under the circumstances, for his discretion, and he should be sorry to see him embark on so forlorn a business. It might, perhaps, be said that the calculations he had given the House were those of a civilian, and not to be trusted; but he held in his hand the statement of a General Officer of great experience. He dared not give his name in these days of general selection, otherwise his name would give great weight to his statement. He sent this field-state to him and asked his candid opinion in regard to His Royal Highness's Aldershot Army, and here was his reply—

"The Infantry seen by His Royal Highness at Aldershot was composed of 11 battalions, with seven depôts of affiliated regiments, which, when the dépôt centre system is in full operation, would be at their respective centres. Yet, notwithstanding these accidental additions, the 11 battalions, which, with one added, should make four brigades for service, made up scarcely more than one and a-half. Each of these battalions at Aldershot (and they would be presumably first for service) requires about 600 men to complete it to the fixed war establishment. The process of so doing is as follows:—Each battalion should have 24 drivers, with 48 draught horses, to take charge of 17 carts and waggons. These 24 men have to be selected and instructed, and this was imperfectly done in about six weeks before the Autumn Manœuvres, and not with satisfactory results. The 30 per cent of men described by the Secretary of State as being very 'unsatisfactory' would then have to be turned over to some dépôt, and men from the Reserves would have to be found, allotted to different battalions, and orders sent them to join their regiments from all parts of the country. There being only 7,829 men in the First Reserve, recourse must be had to the half-trained Militia Reserves. These exhausted, volunteering would have to be resorted to, there being no power to transfer men arbitrarily from one regiment to another. The regiments left behind will be absolutely broken up, leaving scarcely sufficient to begin organizing new battalions upon. Simultaneously with this delay in getting together the *personnel* will be the issue of all the materials necessary for war—some having to be drawn from one place, some from another, but chiefly from Woolwich Arsenal, fully occupied in fitting out artillery. Now could all this be done in 24 hours, and done at the same time for the Cavalry,

Artillery, Engineers, Supply, Transport, and Medical Departments? Or is there any reasonable assurance that even the 11 battalions at Aldershot could be brought to a war footing in six weeks or two months? Preparations for the Autumn Manœuvres took twice that time, and preparations are now making for the Manœuvres in September."

He thought the light he had thus ventured to throw on the Aldershot Force would show that the Army in its present condition could not inspire the country with confidence. It would indeed be well if our Foreign Office were to let the Government of Belgium know that, while prepared at all times to fulfil our Treaty obligations, and maintain the integrity of their kingdom, we must be allowed to do so in the only way we now could, and that was with our Navy; for in the present transition state of the Army we could not undertake to send them any help on land. We could not risk another Walcheren. He now passed to another part of His Royal Highness's speech. He was further reported to have said—

"It would be very acceptable to me, as to all military men, to see the ranks better filled; but this is a question which rests with the House of Commons."

So much for His Royal Highness's feeling and opinion as to numbers; now as to age—

"We have heard a good deal lately of our recruits. . . . Now I freely admit that I decidedly prefer men of 20 years of age as recruits to younger men. There cannot be two opinions on that point. . . . In former times . . . we had 30 or 40 men as recruits where now we have 100 or 150, because we have short service. . . . I should very much prefer to see a regiment composed entirely of old seasoned men."

Now, here they had an apparent discrepancy between the first and the second parts of His Royal Highness's speech. Which of these two views were they to take as the real view of His Royal Highness? *The Spectator* had been writing lately of "double-barrelled brains." All men, it was said, had two brains, separate and distinct; one on one side of the head, and the other on the other. These two did not always work in harmony and unison, and sometimes one brain did not work at all. Now it appeared to him that His Royal Highness was like many sportsmen—better with his second barrel than his first; and he preferred to take the second part of His Royal Highness's speech as the true real expression of his mind. He would accept it as the true version of the state of the Army. There remained two other

points on which objection to his Motion might be taken. It might be said that if they drew the line at 20, there would be a difficulty in getting at the real ages of the men; but this difficulty was met by a suggestion that had been made to him by a staff-surgeon of great experience in recruiting — namely, that the inspecting surgeon should be left to decide as to the age and fitness of recruits to be borne on the effective strength of the Army, taking as his standard what a well-grown English lad of 20 ought to be. Thus, there might be cases of well-grown youths of 19 being admitted to the effective list, and of undeveloped lads of 20 being still kept on the non-effective roll. The last possible objection he had to touch upon was, that if his Resolution were to be adopted it would break down the whole system of the Army, and it would be necessary to resort to some other. That was not his business; all he wanted was to have an effective Army, and induce those who were responsible for these matters to endeavour to put things on a better and sounder principle. He had now done. He did not invite the House to affirm any difficult or abstract proposition. It was a simple common-sense matter. What he asked was that soldiers to be effective should be effective men. They were supposed to be so, for if they went to war, they would have to do men's work, and to contend against full-grown men. He asked, then, that this Empire, its honour and its interests, should be entrusted to the keeping of its manhood only, and not to its boyhood, who would have to contend against the manhood of other nations. He did not ask them to interfere with the system of recruiting; he did not ask them to touch the brigade depôts, that tender plant which the hon. Member for the Stirling Burghs (Mr. Campbell-Bannerman) so poetically told them, the other night, was springing up and would soon bear fruit, and which he so pathetically implored them not to root up and destroy. He did not ask them in any way to fix what the strength of our Army should be; that was a matter for the Ministry alone. All he asked was that none but effective men should be borne on the effective list, and they should be separately stated in the Estimates. True, they now could, by searching in Blue Books and Parliamentary Returns, get at the number of men under

20; but it would greatly simplify matters if these were to be, as he proposed, separately borne on the Estimates, as colts in training. This, he thought was an absolutely reasonable request, and he believed it would be the first step to improvement. His anxious wish was to make the Army, whatever might be its strength, really effective and reliable. What he wanted was a real, not a paper Army—a reality, not a sham.

GENERAL SIR GEORGE BALFOUR observed, that he was precluded by the Forms of the House from moving the Amendment which he had placed on the Paper, but the object he had in view would be equally as well attained by making remarks on the statements of the noble Lord the Member for Haddingtonshire (Lord Elcho). He could only assure the House that it was not to fire small shot as the noble Lord had mentioned, for if he had any hostile intent he would use the projectiles which he, as an Artilleryman, would have at his command. So far from hostilities, it was friendly support to the efforts which the noble Lord had made for so many years to render the Army efficient, that he now desired to give. The details and references entered in the Amendment, applied to the Report of the Recruiting Commission of 1866, over which Lord Dalhousie presided, and had in view this one object of proving to the House that every defect in the recruiting of the Army, which the noble Lord's Motion set forth, had been pointed out in the Report of that Commission; and if, therefore, the reforms had not been carried out as recommended, it became the duty of the House to hold the authorities responsible for not having acted. His object was the same as that of the noble Lord: to fix on the military authorities their proper responsibility for allowing defects to exist, which the Commission had then traced out, and were now admitted to exist. He fully agreed with the noble Lord as to the mistaken course followed at present in enrolling as effective soldiers the young lads under 20, who were not fit to bear the fatigues and duties which our soldiers must endure whether in the field or in garrison. He regretted that our ranks were recruited with lads of that description; but unfortunately the immaturity of our soldiers was no new complaint. The Report of the 1866 Commission stated that in

the year before the Commission sat, out of 5,600 men sent to India, 2,003 were under 20, and more than one half under 21. The Report strongly urged that no man should be sent abroad under 20, and none unless thoroughly trained as soldiers. It was important, as the noble Lord had stated, on the advice of a medical officer, that the sole criterion for a soldier's fitness should be physical ability to bear fatigues, and not the mere age; but this was a prominent point in the Report of the Commission, and in order to get rid of that fruitful source of deceit, from the limitation as to age, it was urged that the standard of age at 18 should cease to be fixed on for reckoning service. So far from attending to these recommendations, the authorities had disregarded them. He held in his hand a most important Return, signed by the Adjutant General; it was No. 271, of 1871, moved for by the hon. and gallant Member for Oxfordshire (Colonel North), which gave the ages of the men of the 5th Regiment destined for India, which showed 472 of all ranks of non-commissioned officers and men to be under 20 years of age, and one third of the privates under 19 years of age, and more than one-half under 20. And last year it was proved before the East India Finance Committee, that large numbers of recruits had been sent out to India very imperfectly trained, and many with less than one month's training. On these points he and the noble Lord were entirely in harmony, and both had in view the one essential object of fixing responsibility on some one. He well remembered the arrival at Madras, during the Mutiny, of a battalion of Rifles almost entirely composed of boys, and of far less weight and physical powers than the small Madras Sepoy, so that for two or more years they had to be nursed at a great cost. It was, in his opinion, a wise and right step on the part of the noble Lord to raise this question of physical fitness, and he hoped it would result in fixing on some one the responsibility for the efficiency of the recruits. It was useless to deny that of late the number of young men in the ranks of the European Force in India had been increasing, for the medical Reports showed this fact. In 1862, out of a total strength of which the medical Reports treated, there were 2,360 under 20; in 1864, out of 55,083,

there were 1,533 under 20; in 1868, out of 47,332, there were 2,258; and these had gradually increased; for out of 52,531 in 1869, there were 3,563 under 20; and out of 49,909 in 1871, there were 4,496; and in 1872, the latest year for which there were Returns, there were 3,467 under 20, out of 49,854. It was, therefore, to be hoped that the later Returns would show more satisfactory results, so far as the mere age of the men could be used as the standard of fitness. But until they had some responsibility placed on some authority for the entire fitness of men serving in the ranks, as to their physical ability to bear all fatigues, they ought at least to be assured that none should be counted as soldiers under the regulating age of 20. Those proofs established an ample justification for the noble Lord in bringing forward this question; indeed, the public mind was anxious at the present time with regard to the efficiency of the Army, all the more so because such contradictory statements were made about the *physique* of the men. He could only express a wish that the authorities at the War Office, responsible for this important duty, would come forward with their distinct ideas expressed on paper, so that it might be ascertained to what extent they held themselves responsible. He concurred most fully in what the noble Lord had said as to the extravagant organization of some parts of the Army. At present they had many more Infantry officers—at least 1,000—in excess of the number they had in January, 1854, when they had a larger force of Infantry privates than they had at present. For this smaller strength the Infantry battalions were about 37 in excess of those in 1854, and the number of the companies about 500 more than in that year. The result was that they had battalions and companies mere skeletons, with very inefficient means for filling up the attenuated *cadres* in case of need; whilst in peace they had not the means of training officers and men in the efficient manner which strong battalions and strong companies ensured, and in case of war they would take the field with thinned ranks. Until the Army was placed on a more satisfactory formation, the public ought not to be asked that the present large expenditure should be increased. With improved organization, there would be funds

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available out of the existing large outlay, which would be most useful in making good those defects which all desired to have remedied. The noble Lord's remarks about the deficiencies in men and horses for our field guns—336 in number—were greatly exaggerated. It was monstrous to have 40 horses and 40 men to a gun in our Artillery, when 20 horses and 20 men would be a fair proportion. Napoleon never went beyond 30 horses and 30 men, and Wellington, within a few years after the close of his campaigns, in reviewing the Artillery establishments, denounced the then proposed organization as extravagant, such as even this wealthy country could not stand, and advised, as one mode of lessening the cost of batteries, to form them of eight guns, instead of six guns, as at present. Since then the whole of the Artillery had been re-organized into the expensive form of brigades, whereby senior officers had been multiplied, and other liabilities created, so as to make the present Artillery far more costly than was ever proposed when the Duke of Wellington, as Master General of the Ordnance, opposed the former organization as far too costly for this country. There was great force in what the noble Lord had said as to our deficiency in the number of Infantry privates as compared with the numbers immediately prior to the war with Russia. In the beginning of 1854 there were 98,230 privates of Line Infantry, and 5,510 privates of Infantry of the Guards, and these were exclusive of the privates of Infantry of the East India Army. At present there were only 4,970 privates of Infantry of the Guards, and 94,370 privates of Infantry of the Line; but these included all privates in India, now that the Indian European forces were merged in those of the Home Army. Thus we had more battalions and more companies than in 1854, for nearly 10,000 fewer privates. The noble Lord had said very justly that such a Force as they had was quite insufficient if they were obliged to take the field against Germany. In 1870 they were very near sending a force to the Continent, but he hoped they would never have to do so. Taking the Infantry as the standard by which to measure our means of offence, then our Army was indeed not only small, but scattered. Out of the Infantry privates,

there were 6,390 in depôts, 13,390 in the Colonies, 39,000 in India, and 35,680 only at home with their battalions. As these were only the fixed Establishments, there must always be some wanting to complete. Now, the Home battalions being 70 in number, formed, without the depôts, into 360 companies, there was, on an average, only 510 privates in a battalion, or less than 64 in a company. It could not be surprising that, with such attenuated battalions, according to the Establishment, there should be, as the noble Lord had stated, still greater attenuation when these battalions were paraded at Aldershot. The 5,332 Infantry of all ranks that recently paraded, as the noble Lord stated, before His Royal Highness the Commander-in-Chief, would not form 20 companies of German Infantry, instead of 11 battalions, as at Aldershot, with 88 companies. Here was a reform which could be effected in the direction followed in Germany. Nothing could be more beneficial to their Army than that of forming their present battalions, if they retained the number of 141, into strong companies of 150 privates, so as to keep up only 564 companies, instead of 1,028 as at present, exclusive of depôts, and the battalions would then consist of 600 privates, divided into four firing companies. In that way, instead of 168 weak companies in the Colonies there would be 82, and in India 260 companies instead of 400 as at present. In that formation there would be not only great economy, but great efficiency; and he would urge that whatever force they maintained it should from its reduced numbers be in the highest state of efficiency. Every effort should, therefore, be made to raise up their present Infantry force to that highest state of training, and he trusted the speech of the noble Lord would induce the Government to keep up whatever Force they might require, not only in the most efficient but in the most economical manner. It would be found that every Army was efficient in proportion to the economy with which it could be managed; or in other words, as it combined the greatest amount of efficiency with the smallest possible expenditure—it meant that though every want was supplied, yet no waste was permitted. Now, nothing could conduce more to economy than to diminish the present number of officers with battalions, or

rather with companies; and instead of increasing them as they had been doing every year, those now kept up should be re-distributed, and it was only by an improved formation of the several branches of the Army that they could attain that economical end which the noble Lord advocated. His object in putting the Amendment on the Paper was not for the purpose of obstructing the efforts of the noble Lord, but simply to show that the measures recommended by the noble Lord had been already suggested, and neglected; in the hope, however, that the noble Lord would give his aid in having attention given to these possible economies and improvements, he gladly supported his Motion. The noble Lord had alluded to conscription; but he (Sir George Balfour) trusted they would never have recourse to that hateful system by which Continental Governments dragged men from every employment of the most important character to fill the ranks of the armies, totally disregarding of the losses and injuries thereby occasioned, leaving out of consideration the hideousness of the barbarous practice. Before such a measure was thought of, the utmost attention should be given to attain by civilized arrangements, the results which barbarous force secured on the Continent. One of the conclusions to which the Recruiting Commission, over which Lord Dalhousie presided, came to was, that the steps which they then took for the purpose of obtaining recruits were totally insufficient for keeping up the numbers and quality of men for our Army. The words in the Report were that—

“Under the present system the mode of raising recruits for the Army is not calculated either to develop the military resources of the country or to obtain a sufficient number of men from that class of the population which, in former years, used to enter the service, and which it would be most desirable to attract to its ranks.”

Before thinking of ballot or conscription they ought to place their voluntary system of obtaining men for service on as efficient a footing as they must do if they entertained the notion of taking men by force. The Germans depended on the universality of the obligations; but the French, with their former more limited requirements for men, had systematized their demands by means of their

38,000 communes. There every one being enrolled in the register of births and deaths under pain of civil forfeiture of rights could be laid hold of, and forced to try his luck against being conscripted. By this civil agency of a strictly enforced system of record in the civil registers of communes, and by keeping up the history of all from birth to death, the number who evaded the trial were but few, and necessarily of the lowest description, by reason of their forfeiture of civil rights following on the evasion. Now he maintained that they had in existence, in the form to which the Report of the Recruiting Commission referred, a machinery which, by means of their registration of births, deaths, and marriages, would enable them to apportion the country out in a far more perfect manner than was done under their present system of recruiting by dépôt centres. Those divisions for recording the condition of the people were peculiarly well suited for obtaining a thorough acquaintance with the available class which entered the Army. The entire area of 77,635,246 statute acres in the United Kingdom was divided into 789 superintending districts, and 4,004 registration sub-districts, and these again were, on the Decennial Census, sub-divided into about as many divisions as there were communes in France. In his opinion, recruiting appeared to be more of a civil than a military act. It was so in France and Germany; and, therefore, it ought to be withdrawn from the control of the the Commander-in-Chief, and placed under that of the Secretary of State for War, who should be responsible for supplying the Commander-in-Chief with the number and quality of men he required. This end could be attained by improving the existing registration, in order to obtain the aid which it was capable of being given in obtaining supplies of men. Another recommendation of Lord Dalhousie's Commission was, that in order to carry out the recruiting system more effectually, it would be necessary to provide one or more dépôts for the purpose of receiving immature youths, who, by careful training under skilful officers, and by good treatment, might be made fit to join the Army. His own view was, that they should have three of these dépôts, containing at least 4,000 youths each, out of which they could transfer

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to the ranks a number of well-trained and efficient lads fit for service. Those dépôts would, no doubt, involve expense; but considering that about one-third of the youths they now obtained for their ranks were physically defective, the dépôt system would be found cheaper and better than their present system of having unfits in the ranks. Looking to the number of boys available in various ways, in the reformatories and industrial schools, it would be worth while for the Secretary of State for War to see whether these boys could not be turned to account in aiding to recruit the Army. That measure had been recommended by Mr. M'Gregor, so well known for his travels by sea, river, and lake, but still better known and appreciated for his active exertions in the cause of education, and philanthropic exertions in various ways, in connection with their poorer population, and also as regarded the destitute boys. Lord Dalhousie's Commission also inquired into this source of supply, and in their Report suggested an experiment similar to that tried for the Navy. Now, provided the cost of rearing boys, which in the Navy amounted to £70 per boy supplied to the ships, could be considerably reduced below that rate, the experiment of training boys for the Army might become another useful aid for filling our ranks. Lord Dalhousie's Commission had inquired most fully into the question of recruiting for India, and any one who read the paragraphs of the Report—and every one of its paragraphs was written by Lord Dalhousie himself—would see that service in that country was in great favour. In fact, recruiting for the 60,000 men they had in India could be carried on upon an entirely separate system to that for the Home Army. The House of Commons need never hear of it, nor need the Chancellor of the Exchequer be afraid of any call being made on him for its support. The ranks of the European Army in India were formerly filled up with ease; and it was to be regretted that we failed to use this favourable opening for obtaining men for India. Lord Dalhousie had a high opinion of the Militia as a defensive Force. He had himself formerly entertained doubts on that point. It was too late, however, to consider whether we should abolish this Force. The country had decided, and in his opinion

the Secretary of State for War should therefore see that its efficiency was maintained. At present, out of 123,000 privates of which it consisted, one-third at least were absent from the inspection at the annual training. There was one regiment of Militia, commanded by the hon. and gallant Officer the Member for Bedfordshire (Colonel Gilpin), which was very efficient, and came nearer to the Establishment than any other Militia regiment in the service, both in respect to its completeness up to the Establishment, and to its fullness in numbers at training—particularly in giving more volunteers for the Line in proportion to its strength—than any other Militia corps. This was an example that ought to be followed. The necessity of looking carefully into the condition of that Force would be understood when it was known that the expenditure incurred upon the Militia was at least £15 for every man present at inspection, and if that sum were doubled, they could for £30 a man add the same amount of force, which now composed the Militia to the Regular Army. This was a great political question, and it involved the further question whether they were justified in doing away with the Militia altogether, or whether, on the other hand, they should raise that Force to a higher standard. Under any view, it was a wise and prudent course for Government to consider the measures which could give the country more efficient Forces than they at present obtained for the large outlay now incurred on their Military Estimates.

MR. SIDEBOTTOM: Though unacquainted with the professional technicalities involved in this subject and unable to claim any special knowledge whatever respecting it, I yet make no apology for trespassing upon the attention of the House with a few very brief observations, because the maintenance of the efficiency of our Forces both by land and sea appears to me to be of such supreme, such vital, and such transcendent consequence, that in comparison with this, most other subjects, however interesting and important they may be, are utterly pale and dwarfed into insignificance, and because it is, in my opinion, the bounden and imperative duty of every Member of this House whether he may sit on this side, or whether he may sit on that, and indeed of

every man who bears the name of Englishman, to endeavour to assist in promoting such a great and desirable object. I am sure the House will entirely agree with what has been said by the Prime Minister, that our great object ought to be to render the Army as effective as possible, for it is a most peculiar one, and there is none other in the world like it, whether we consider the vast distances it has to explore, or the immense variety of climate and other conditions upon which health and life depend, it has to encounter. Now anything which on this subject falls from the noble Lord who has moved this Amendment to-night, in such an able and exhaustive speech, must always carry the greatest weight and be received with the utmost consideration and respect both by this House and the Country, and what in substance is the Amendment he asks us to adopt that—

“In the opinion of this House no youth under 20 years of age should be reckoned as an effective soldier and borne as such on the Army Estimates?”

Well, although in the presence of Gentlemen who can speak with so much higher authority, I certainly shrink from the intrusion of my own opinions on the attention of the House in reference to this somewhat technical matter, and wish rather to draw attention to the broader and more general principles as to the expediency and importance of maintaining our Army in an efficient state which I apprehend are involved in this Amendment, I beg, nevertheless, most respectfully, to ask the House whether these boys ought or ought not to be counted as effective soldiers? We heard from an eye-witness, the hon. and gallant Colonel opposite the Member for Renfrewshire, a most vivid description of the catastrophe which befel our arms at the Redan in consequence of our forces being composed mainly of these boys, instead of older and better seasoned soldiers; that description made a most powerful impression on my mind, and if it stood singly and alone, I think it might well cause us to reflect and to reflect seriously upon this important subject; but I submit that we have also the highest authority in the country on the side of this Amendment. The Duke of Cambridge, speaking at a dinner given by the Metropolitan Board of Works on the 24th of last month, paid a well-

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deserved tribute to the gallantry of the Army, and said he was prepared to take command of the troops at Aldershot immediately and go anywhere; but he also said—

“I decidedly prefer men of 20 years of age as recruits to younger men . . . though these would make very good soldiers after a time.”

In the course of the same speech he also said—

“When I see regiments which are not very strong in point of numbers it would be very acceptable to me, as to all military men, to see their ranks better filled . . . but this rests with the House of Commons and the electoral constituencies. If they will have the goodness to vote larger Estimates, there will be no great difficulty in providing additional numbers in the Army, and, so far as I am concerned, nothing will give me greater satisfaction.”

Now, this I humbly submit contains the very germ and essence of the whole matter. The Duke of Cambridge, gallant soldier as he is, is no doubt prepared to take command of the Army in its present state, and to go anywhere; but the question is whether such a man is to be allowed to run the risk involved in such self-sacrificing devotion; and whether the country is to run the risk of another disaster to its Arms such as that at the Redan? As His Royal Highness has so well said, the decision rests with this House, and it appears to me that the primary matter for our consideration is, ought we, or ought we not, to have our regiments filled with older and better seasoned men? If we ought, surely in a country like England, where such stupendous interests are at stake, there need not, and there ought not to be, any impossibility, or indeed much difficulty, in obtaining the men. As an extensive employer, I have often experienced difficulty in obtaining the number of operatives I have required, but the obvious and the usual plan adopted to overcome the difficulty in such cases is to raise wages, and this has generally the desired effect; and so with the Army, granted that you ought to have older, more mature, and better seasoned men, and then most certainly either by increase of pay, or if this be found ineffectual, then by some other means, into the consideration of which I will not weary the House by entering to-night, the men may be and ought to be obtained. At the same time, nothing can be further from my wish than to advocate reckless expenditure or extravagance; on the con-

trary, I would exercise the most rigid supervision to ensure economy in every Department; but I venture to think that above and beyond even this consideration, our primary and chief object ought to be to obtain real efficiency. Depend upon it the truest and wisest economy is to insure against losses, and can anyone estimate—dare any Gentleman in this House attempt to estimate—what would be our loss, if from any false economy, any ill-judged parsimony, any penny-wise and pound-foolish policy, we neglected to keep up the efficiency of the Army, and sooner or later in consequence suffered some really serious and grave disaster. Such a contingency will not endure reflection. We are the same people who sent forth those armies which first rolled back the tide of conquest and stayed for ever the hitherto resistless march of Napoleon's legions, or which in later times in this very Crimea—ere the men which filled their ranks had been replaced with those puny stripplings which under our system of recruiting and absence of Reserves alone could be obtained—defended the gorges of Inkerman, against all the hosts of Russia, and carried our arms in triumph up the heights of Alma. Our population, our wealth, our credit, our material resources of all kinds are incomparably greater than ever; but the truth is, our very prosperity occasions our difficulties, for our various manufacturing and industrial occupations are so vast, and conducted on such an extended scale, they have created such a demand for labour, and the price of that labour is consequently so high, that one ceases to wonder at the difficulty experienced in obtaining recruits, for when in the manufacturing districts a man as an unskilled labourer can earn from 24s. per week upwards, and be amenable to no discipline whatever after the hours of work are over, there is no very great inducement for him to enlist in the Army at the present scale of pay and under present existing conditions. And this fact should not be lost sight of by those who are continually reminding us that our Army is the most expensive in the world, nor should they forget also that it is recruited entirely by voluntary enlistment, whilst in other services there is either the conscription pure and simple, or some other modified form of compulsory service. History teaches us that impatience of taxa-

tion and of military service have ever been the characteristics of democratic communities like our own, and affords numerous examples of the disasters to which they have led; but I venture to think that the patriotism and public spirit of the great mass of the English people will lead them willingly to make such sacrifices as may be necessary, and cheerfully to bear such burdens as may be requisite, provided they be satisfied that those sacrifices and those burdens are essential to the efficiency of our Army, and that they will not be made in vain. And though I do not for one moment wish to suggest or to imply that we ought to make any attempt to rival the prodigious armaments of our neighbours, well knowing that, even if desirable, such a thing is impossible, I nevertheless humbly submit that we cannot altogether ignore what is taking place and passing so near us, and if we cast our eyes across the narrow seas which encircle these Islands we shall perceive that we are at this moment confronted on the Continent with such a state of things as was never known before. A very large proportion of the whole able-bodied population of the most powerful nations on the Continent will soon be converted into a mass of trained soldiers, and though those nations are now happily at peace, it seems to me a peace which partakes of the character of the lull before the storm, or of that preternatural calm which so often precedes the outbreak of a mighty tempest, when the very elements seem awed and seem subdued by the prospect of the havoc which is to come. In Italy, in Austria, in Germany, and in Russia, enormous armies are on foot, which by pressing most heavily on the resources, and being a great tax upon the industry of those countries are in themselves a strong predisposing cause of war, whilst France—France, long considered the first and most powerful nation on the Continent—France has been made to bite the dust, and drink to the very dregs the cup of humiliation and disgrace, in a space of time of unexampled brevity. She has beheld the collapse of her long-cherished military power, and the forces of the foe in occupation of her fairest provinces; she has beheld his hostile standards float over the walls of Paris, and been compelled to accept an ignominious and disastrous peace at the dictation of a relentless conqueror, but

does anyone suppose it probable, does anyone suppose it possible, that such a nation—a nation with so great a history, so proud of past achievements, so vain of martial prowess, and so apt to be intoxicated with military glory—will thus succumb and confess herself vanquished in one campaign? No, Sir; depend upon it we have as yet seen only the first acts of the great drama; the first was played out at Jena and Auerstadt, the second closed with Metz and Sedan, and it is vain to speculate either when the curtain will rise upon the next, or what may be its issue! it may be, that purified by disaster and refined by adversity the genius of France may once more be in the ascendant, or it may be that German solidity and Saxon steadiness will again prevail, but, however, this may be, though pray heaven we may escape the strife! I cannot forget that we are bound by solemn treaties, that we have international obligations to fulfil, and duties to perform, and though whether under the guidance of the illustrious statesman who at present presides at the Foreign Office, of his not undistinguished Predecessor, or of some future Minister, no effort will, we may rely upon it, be spared to preserve for us the inestimable blessing of peace, circumstances may any day occur, complications may at any time arise by which we shall unavoidably be involved in the conflict, unless prepared to sacrifice dignity, and prestige, and fame, and honour, and all those qualities which Englishmen will ever hold so dear. Depend upon it the surest way of preserving peace is to be prepared for war, *Si vis pacem para bellum*, and it is, therefore, in the true interests of peace, and the earnest hope that it may be long preserved that I most cordially and sincerely second the Amendment of the noble Lord.

MR. J. HOLMS said, he wished the House to consider the humiliating position in which it was placed to-night. Ever since 1866 we, as a nation, had been considering proposals for remodelling our Army, and, as yet, we had not even advanced so far as to settle even the first step—namely, the age at which we would take our men; whereas the great Continental Powers were now only considering how best to arm, equip, and put in motion their vast forces, while one of them might be said to have raised the art of war to the

position of a science. In 1866, Prussia astonished Europe by carrying her troops to the frontiers of Austria in four or five weeks. In 1870 she accomplished the same feat against France in 19 days, and he was informed she was now prepared to perform the same in only 12 days. Surely, this was enough to cause England to awake to a sense of responsibility in connection with the wretched condition of our Army? The question now under discussion was simply how we were to obtain, in the easiest manner, a supply of efficient men. Now, there were but three ways of obtaining men, as far as he was aware. The first was that of voluntary service for 21 years and a pension, commonly called long service; the second was by conscription or some other kind of compulsory service; and the third was voluntary short service, with high deferred pay in the reserve. Everybody who had carefully studied the history of European warfare since 1866 must have arrived at the conclusion that the long-service system was practically dead, and could not be revived. It was wholly unsuited to the requirements of modern warfare; and, moreover, it was so essentially immoral that no civilized country in the world retained it except ourselves. A Reserve system was the only efficient one; and the experience gained since 1866 had shown that the best age for soldiers on active service was from 20 to 32 years. He was glad that the question of conscription or some other form of compulsion had been introduced by the noble Lord to the notice of the House, and of the country. Although he (Mr. Holms) was entirely opposed to compulsion of any kind—because he believed it to be unnecessary—yet, he believed, the more the word “conscription” was used in the House and out of it, the more likely would they be to arouse the attention of the people, and to make them give serious attention to the condition of our Army. He believed that there was great misapprehension as to conscription. It was generally supposed that in Prussia all young men were, at the age of 20, called upon to serve in the Army; but the fact was that only one out of every three youths was so called upon to serve. Of course, in every country where there was compulsion, the first thing the Government considered was how far they could possibly shorten the term of ser-

Mr. Sidebottom

vice, and lighten the burden which such service imposed upon the people; but, still, wherever there was compulsion, it pressed very hard upon the nation. In Prussia they kept steadily in view two great principles, which were equally applicable, whether a country adopted voluntary service or compulsory service. Those two principles, which were utterly disregarded in this country, were these — First, that of perfecting the organization after they had obtained the men. He had already indicated how far Prussia had progressed in making her organization very perfect. What was the state of the organization of our Army? Let the right hon. Gentleman (Mr. Hardy) order 50,000 men of the British Army to concentrate at Dover, or at York, or at Carlisle, giving them a sudden notice, and the greatest amount of confusion would be discovered, and the want of organization laid open to the public view. Prussia took care to establish well-defined responsibility. She left something to the discretion of her generals; but, with us, the general had not even the discretion left to him to spend or to save a shilling. The second of the two great principles to which he had referred was, that wherever a country adopted a compulsory system, it should do everything it possibly could to shorten the period of service, and ease the labour of the soldier. The Prussians were making great progress in that respect, as well as in regard to their organization. That they might quickly turn out good soldiers they thought they ought to have good instructors. The position of the Prussian Army, in relation to its non-commissioned officers, was this—they had five schools established throughout Prussia, to enter which any young man of between 17 and 20 might apply, if he desired to make the Army his profession; and, having been admitted, he might study for three years; but, if he was capable of acquiring all the instruction they wished to give him in two years, instead of three, he might at once enter the service. That exemplified a principle which flowed through the Prussian Army—namely, that a man, by his energy, intelligence, and industry, might shorten processes and get the consequent advantages. If he had been in the school for two or three years, he must serve two years in the Army for

each year that he had been in such school, added to the three years of ordinary military service. It followed that the non-commissioned officer would serve for 9 or 12 years in the Army, at the end of which time he had a right to civil employment. Another mode of obtaining non-commissioned officers in Prussia was by allowing men to rise from the ranks after their three years' service; and when they so aspired to the position of non-commissioned officers they were educated in their own barracks, and they were then engaged year by year by their commanding officers. If, during 12 successive years they were retained in the Army, and could show good service and good character, then they might remain in the Army without an annual engagement, or obtain civil employment. Those were the men who, so to speak, manufactured the raw recruits into soldiers. The authorities did not accept a recruit, unless he was capable at once of entering on the heavy work of drill and training, so that the raw material, so to speak, could at once be used. Although the term of service in Prussia was limited to three years, the average time in which they manufactured a soldier was from 20 to 22 months. The Prussians did what they could to raise the soldier—morally, intellectually, and socially—so as to send them home better citizens instead of worse. In truth, they might be said to have no standing Army at all; for all their thoroughly-trained soldiers were at home; the men in barracks were neither more nor less than in a training school. Real short service had never been tried in this country, because, in his judgment, short service meant that which now prevailed in Prussia—namely, 20 months' drill. But he went further and said that our working population was the best and brightest in Europe; and if Prussia could make Infantry soldiers in 20 months, we could, without exaggeration, make them in 18. Was England, however, to be a mere copyist in this matter, and have no notions of her own by which she could progress? In this country we had short hours for labour, and if it were known throughout the length and breadth of the land that we were willing to take recruits who were, so to speak, self-educated, and who had partly drilled themselves, we might obtain men who could at the end of one year, or even in



less time, prove themselves to be good soldiers, in which case he saw no reason why we should not take men on such terms. The next thing that was essentially necessary was to raise the pay of the soldier. They had not to look to an extremely high rate of pay, but should have regard to what was the pay of the ordinary labourer throughout England, Scotland, and Ireland. That he estimated at about 16s. a-week. And what was the pay of an Infantry soldier, including clothing, medical attendance, barracks, &c., per week? Why, only 13s. 5d. Now, one might as well expect to purchase Consols at 90, when the price was higher, as to tempt men from better paid occupations at that rate of wages. To raise the Army to an attractive point, men should be paid £20 a-year, at least, during the four years they were in the Reserve—partly deferred thus—£10 a-year for the first three years, and £50 in the fourth year—we should, then, like Prussia, have a better class of men going back to settle amongst the community with a little capital and a stake in the country, instead of 12,000 or 15,000 deserters a-year between soldiers and militia-men. And, as in Prussia, the man who had served in the Reserve should have the first opportunity of claims to civil appointments. By that process the Army and Militia might be made to work in perfect harmony. There would then be only one system of recruiting, and we should not require more than 32,000 men a-year instead of 50,000. The truth was our whole system was founded on unsound principles. Of 100 men in the Prussian Army between the ages of 20 and 32, 65 were at home on furlough costing the country nothing, while 35 were in barracks being trained and drilled. We, however, had 80 men in barracks being drilled till they were sick of it, eight men at home on furlough, and a dozen in prison, hospital, or playing hide-and-seek in all directions. Now, the one of those systems he called sound and reliable, the other unsound. We should, he might further observe, bear in mind that we had an Indian Army to reform, which seemed to be at present in a very unsatisfactory condition. It was only on the 10th of March last that a letter dated the 12th of February appeared in *The Times* from its Calcutta Correspondent, which

he should recommend hon. Members who took an interest in the subject to read. In that letter the Correspondent stated that the Indian Government could not put more than 30,000 men in the field, and that Scindia and Holkar together could put 50,000 men in the field. Then he made the significant remark that that by no means gave a full measure of the power of Scindia, inasmuch as he understood that he had adopted the short-service system, and was passing his men through the ranks back to the civil community. Thus, it would appear that the Native Princes of India, too, were stepping ahead of us, and acting upon the principle of having short service with a reserve. Under those circumstances, he looked forward with the greatest interest to next Session. It was impossible to disguise from ourselves that something must be done. The right hon. Gentleman the Secretary for War had remarked the other evening in reference to some observations which he had then made, that he thought he was too sanguine in the view which he took as to getting men. Well, he had since taken occasion of one or two batches of as intelligent men as any in London, who had come to him on public business, to make inquiries, and they told him that, under the scheme he proposed, there would be no difficulty in getting men. It would be well, he might add, that the working classes should be consulted on the subject during the Recess, for if they could be brought to co-operate with the military authorities, the difficulty would, he felt satisfied, be solved without much trouble. But be that as it might, as one, in common with others, who had some stake in the country he was most dissatisfied with the state of our Army. Nor would he flinch from maintaining the opinion that our condition in that respect was most dangerous, unwise, and undignified. If we were able to uphold our position in the future as in the past, we might, by a few words of advice, aid in preserving peace. He did not desire to see a great Army for the purpose of the acquisition of new territory. What he wished this country to possess was a moderate Army, established on such sound principles as to place us in a position of dignified security, both as regarded these Islands and in respect to India and our Colonies.

*Mr. J. Holms*

COLONEL LOYD-LINDSAY said, he believed the reason why the recruiting difficulty had been shirked and almost denied, in the face of overwhelming facts proving its existence, was to be found in the extreme unpopularity of the remedies which had been suggested. These remedies were an offer of larger pay and compulsory service for one or two years. The former remedy was a plain and simple one. Throughout the country the magistrates in quarter sessions had found it necessary to increase the pay of police-constables on account of the impossibility of getting men to serve at the old wages. The Town Council of Liverpool had recently raised the pay of the constabulary force in that city to 28*s.* 10*d.* per week, and at that scale of pay they employed over 1,000 men. Other large towns had done likewise. These public bodies offered inducements three times as great as those which the Inspector General of Recruiting was able to promise to recruits. Again, the railway companies throughout the kingdom employed 300,000 men, all drawn from the same class as our soldiers. These men were employed in the various capacities of policemen, pointsmen, signalmen, and guards, all of them receiving far larger wages than men could obtain for military service. The same observation held true of men employed in workshops, factories, mills, and yards. In fact, it was now impossible to obtain good soldiers to serve at the present rate of pay. If we did obtain them it would only be at a period of disastrous change in our national circumstances, from prosperity to adversity. The class of persons who found it most easy to obtain employment in this country were men who possessed good character and a fair amount of physical strength. It was a truism to say that; but it was necessary to repeat it to those who still continued to hope that soldiers would be found to serve at really less than half-pay. So long as England remained prosperous and active in all its commercial pursuits, the Army, under the present system, could only be recruited with men rejected from other employments. A proper estimate of the value of our Army was obtained, not by comparing its present with its former condition, but by comparing it with the Armies of other countries. In all those things which

money could buy, our Army was superior to every other. Our Infantry were better armed and better clothed, our Cavalry better mounted, and our Artillery had better guns. But when we come to physique the comparison was by no means so favourable. The class of men who entered our Army were inferior both in character and bodily strength to those drawn by conscription into the Armies of foreign powers. Taught by the disasters of 1870-71 the French people had adopted conscription. This he believed to be a splendid law, so far as the Army was concerned, because under it you could lay your hand on the best men, and at the best ages—namely, from 20 to 40 years. But for the thousand and one interests which we in this country estimated as highly as that of the Army, it was a mischievous law, and one which he trusted would never be adopted in England. It was not required, because we could defend ourselves from invasion without it, and because we were rich enough to give men sufficient pay to induce them to be soldiers. Cavalry officers bought horses at three years when they could not get them for the regulation price at four years; and so the military authorities, when they found they could not enlist men at 18, took them at 17, and even in some cases, he believed, at 16 years of age, involving a sacrifice in both cases of efficiency, and a heavy extra charge upon the public, without commensurate advantage to the State. His noble Friend (Lord Elcho) proposed to strike off from the effective state of the Army all those under the age of 20; but he (Colonel Loyd-Lindsay) thought each man should be judged according to his own physical strength, and he maintained that many men of 18 were fit for soldiers although they had not reached the magical age of 20 years. He thought they should not fix a hard-and-fast line in this matter. The most successful experiment of modern times for the benefit of the public service had been that adopted by the Admiralty for manning the Navy. Now, the same plan, in his opinion, was no more favourable for providing sailors for the Navy than soldiers in the Army. In the matter of cost, indeed, the plan would work more advantageously for the Army than the Navy. An Act of Parliament enabled the Admiralty to engage boys of from

14½ to 16 years of age to enter the service, and to remain for 10 years from the time of attaining the age of 18. By this means 2,000 boys were passed every year into the Navy, and no difficulty would be experienced in doubling the number. The boys were kept for 15 months in a training ship, from which they were drafted into sea-going ships, and here it was that the treatment of the sailor and the Army recruit would differ. The recruit would not be drawn into any training institution, but be left for two years in his own village, earning his living, but receiving a small sum weekly, rising from 3*d.* to 6*d.* a-day. For this he would attend a few drills during the season, and with the number of local Volunteer Corps no difficulty would be experienced in this respect. None but boys of good character would be engaged, and these only with the consent of their parents. What the Army wanted was agricultural labourers in the ranks—men who could use the spade and the pick, and throw up a covert trenchlike workmen, and this knowledge the new class of recruits would be calculated to bring. They would soon be taught the use of the rifle when they entered the ranks. It might be asked if it was well to pay £30 or more for a man who would come untrained, or scarcely trained, as a soldier. To that he would answer that the Admiralty thought it worth while to spend £65 for every boy who passed out of a training ship into the Navy, and would never consent to abandon a system which secured to the service a class of sailors superior to that which they formerly obtained. The Royal Commission which reported on Recruiting in 1867, among other recommendations, made the following:—

"If the experiment (referring to training boys) is to be tried in the Army, some new establishment would be necessary which would be attended with considerable expense in the first instance, but we think that the success which has resulted in the Navy should induce Government to give full consideration to the subject."

He thought the experiment might be tried, and better tried, without an establishment, which would involve great expense. It was establishments which ran away with the vast sums expended on our Army, and in no case, much less than in this, would he advocate a further development of establishments. What-

ever money was paid for recruiting ought to go direct into the pockets of those they wished to draw into the service. But if the experiment was to be tried successfully, there was also wanted an improvement and extension in the mode of recruiting. When the brigade dépôt system was first spoken of in that House, the plan was received with the utmost favour; one Member after another expressed himself highly in favour of the scheme; and the reason why it was so much approved was because it was thought that the military authorities had established a recruiting machinery by which they could penetrate into the rural and agricultural districts, and that the good time so long looked forward to by colonels of regiments was at hand, when the agricultural labourer would enter the ranks of the Army. He would appeal to any Engineer officer in the House whether, during the siege of Sebastopol, the demand was not always for Guardsmen to work in the trenches, because they were men accustomed to the spade and the pick, and the trench-work was done better and quicker by men drawn from agricultural districts than by men of other regiments. But the brigade dépôts had not penetrated in the least into the rural districts, and the Army got scarcely any rustic recruits whatever. The sergeants carried on their operations in the back streets and alleys of large towns, and it was in the public-houses and beer-shops that recruits were found. The area for recruiting should be enlarged and carried into our country villages and parishes, and the recruiting agents should be the squire, the clergyman, the village school-master, and even the farmers. These people had been of no service hitherto, because the class from which recruits were drawn did not come within their influence; but if young boys were taken their influence would be felt, and a class of men would be drawn into the Army who had never looked upon a soldier's life as a profession in which they might engage. It would be in the recollection of hon. Members that many fruitless efforts had been made to secure for soldiers who had served their time suitable employment in civil life. These efforts had failed, with some exceptions, not because the Departments were unwilling to take soldiers, but because the soldiers were unfit for the duties. With-

*Colonel Loyd Lindsay*

out counting the Post Office, the Telegraph Department, and the other Government offices, employing innumerable clerks and porters, there were thousands of openings on our railways, and under the large employers of labour all over the country where men, even without education, if they had steady characters and habits of obedience such as were acquired in the Army, would find ready employment at high wages. No Government patronage would be needed; natural interest would point out these men as the most proper to be engaged. This certainly was in the minds of those who advocated short service; but it was also an important part of their calculation that a superior class of men would, under short service, come into the Army. This expectation had been disappointed, and instead of getting a better class of men they were getting an inferior class. The short service had failed, not because it was a bad system in itself, but because the first link in the chain by which it was held together was weak. Let this link be strengthened, or, in other words, let measures be taken to obtain a better sort of recruit, and the difficulties which stood in the way would disappear.

GENERAL SHUTE said, he thought the House was much indebted to his noble Friend (Lord Elcho) for his very interesting and able speech, and for affording an opportunity of entering further into the question of recruiting for the Army. The Army had become a matter of great importance to the country, and he could tell the members of the Peace Society that England's strength meant European peace. The large and wealthy constituencies of this country always took a great interest in our national defences, and that interest, he believed, had been considerably increased by the late unfounded rumours. They felt that their great insurance was in the Army and Navy. They felt that England was not fully assured except her Navy was equal to compete with the combined Navies of any two Great Powers, and except her Army, though not necessarily strong, was thoroughly efficient and capable of expansion. Our constituencies placed no great faith in post-prandial military speeches, or in many of the Army Returns, and they were not far wrong. It had been assumed on three or four occasions in this debate that the recruits who joined the

Army were at least 18 years of age; but all officers who had command of regiments knew that a vast proportion of the recruits were 16 and 17, and some 15, years of age. He knew a lad of 15 years and 9 months who represented when he enlisted that he was 19, and he was now put down as being 22 years of age. He was the son of a game-keeper in the employ of an acquaintance of his who had a property near the Hog's Back, about six miles from Aldershot, and this was only one of hundreds of instances. That would give the House some idea how fallacious the Returns were. No one knew better than he did how completely young men broke down in service. Of the many hundreds of fresh-looking boys he saw land at Balaklava, he saw a vast proportion brought back from the front on the Cavalry horses to re-embark, being found utterly useless. He was aware that commanding officers were opposed to short service, because they knew that extreme youth was incompatible with it. He felt quite certain that the proper principle was to have a considerable number of weak battalions provided they were thoroughly efficient and capable of expansion, but he feared that the battalions of this country were neither efficient nor capable of expansion. We found in Bulgaria and in the Crimea that our Infantry could not carry their packs with the same facility as foreign troops from want of practice, and that as to their chacos they simply threw them all away, which proved how necessary it was for troops during peace to be constantly in their fighting dress. So immediately after the war there was an order—and a very good one it was—that at Regimental Brigade and Divisional field days the men should be in complete marching order; but he was sorry to say it had become disused, because, as he believed, many of the boys could not properly carry their accoutrements. Hon. Members might say that the officers grumbled but did not suggest remedies, but he would make one or two suggestions. First of all, he would say, and the sooner the country knew it the better, if they were to have better recruits—men and not boys—it was a question of person or purse. They must either have some form of conscription for the home Army—the Militia, with volunteers for the foreign and colonial Army, or they

must pay more largely, not for unformed soldiers, but for skilled labour. The youth of England, full of courage and love of adventure, would choose the military profession and continue in it if there was anything to look forward to. They would begin with little or no pay if they felt that by zeal and intelligence they might hope to rise, gain social position, and higher emoluments. He would not increase the pay of the recruit; but he would give him what they had promised—namely, free ration, vegetables, and groceries, so as to avoid all those stoppages which were now the great cause of discontent. But that was a serious item and would cost £350,000 a-year. Then, there should be more light in the barrack rooms, so that the men might be able to read and write. They should also have more fuel, so that there might be good ventilation and warmth combined. As a recruit became a formed soldier his pay should be gradually increased, and that additional pay should be reserved pay, put in his name in the savings bank, and he should get it with interest when his service was completed. That would, to a large extent, tend to check desertion. Nothing less than 1s. a day should be given to every man who had served the Queen when he attained the age of 60, having a title to that pension one year earlier for every year he had served—that if he had served five years he would get it at the age of 55, if seven years at the age of 53, and so in proportion to the term of service. In that way they would have no old soldiers in town or village sent to the poor house, which did a great deal to discourage recruiting. He would give every soldier going on furlough a return warrant, and he should have his full pay while on furlough. At present the soldier on furlough often arrived among his friends in the condition of a pauper; and when the time for his return came having no money to pay his railway fare he absented himself and often deserted. They were much indebted to Captain Edward Walter for his suggestion that service in the Army should be made the stepping-stone to all minor civil appointments. He hoped that suggestion would be carried out, and that the gate-keepers of our public Parks and the messengers of our public offices, like the Horse Guards and War Office, should not be the superannuated

servants of private individuals, but those who had done public service to the State. Prussia had in this set us a good example, the Emperor having no servants about him who were not wearing military decorations. He had spoken of conscription for the Home Army, the Militia. At present we had virtually conscription, but in the form of a most clumsy ballot. The Acts of 22 & 23 *Vict.* ought to be altered. The present system of exemption gave an unfair advantage to those who should bear the largest share of the burden. Those who had most to protect should contribute most towards its defence. There should be no payment for substitutes, but there should be a sort of income tax exemption descending to a very low scale. For example, a man worth £20 a-year would pay £1 for exemption; if worth £40, he would pay £2; if worth £100, he would pay £5, and so on. With regard to desertion, he thought the magistrates of the country should be able to take cognizance of desertion as well as the military Courts. A great deal of harm was, he felt satisfied, done by having men marched through the country under military escort. On the question of localization, he wished to observe that, in his opinion, our brigade depôts should be established at strategical points—that was to say, as near as possible in each county to the great railway junctions. As to recruiting, he had no faith in the success of brigade depôts, for his experience was that men did not generally enlist in their own neighbourhood, where, perhaps, they happened to have got into some scrape—generally about a woman. One of the best troop sergeant-majors he ever had was a man who had enlisted because it was alleged that he had been too attentive to the clergyman's wife. Such men were not likely to enlist in their own counties. The pomp and circumstance of war were its great attractions to most young men, and they were more likely to enlist by hearing good bands play and seeing dashing field-days than by merely looking on upon men going through the "goose step" at the brigade depôts. The whole question resolved itself into this—would the country increase the military expenditure or have conscription, or have neither? He was very much afraid that the country would do neither; and, if so, our Army must



continue to consist of the rubbish of which it was composed now. Reference had been made to the difficulty of mounting Horse Artillery and Cavalry. He believed that in case of war a sufficient supply of horses could be obtained. Every Cavalry regiment ought to have double the number of men that it had horses. What were called the advance Cavalry regiments mounted about 330 horses, whilst the least advanced mounted 260 or 270. And, in his opinion, they ought not to be used under four years of age. If these remarks, which were of a practical nature, were productive of any good results he should feel perfectly satisfied, and very grateful for the attention which had been paid to them.

MR. M. T. BASS said, he thought it had been clearly demonstrated that our recruiting system was very defective, and that we ought to have a thorough reform in that respect, and also that the present condition of our Army was most unsatisfactory. He hoped he should not startle the House if he ventured to suggest that they could not get a perfect remedy for this state of things without having recourse to conscription in one form or another. It had been suggested by the hon. and gallant Member for Brighton (General Shute) that there might be a sort of income tax, contributed by those who were liable for conscription, so as to form a fund which might be distributed advantageously amongst those who would volunteer for such service as might be required of them. He found that the number of men who every year attained the age of 20 in England and Wales was 220,000, the number in Ireland and Scotland being probably 60,000 or 80,000, or in all about 300,000. Now, he saw no reason why they should not be liable to the ballot or conscription of some kind. He was old enough to recollect the employment of the ballot, and he was sure it did not create that degree of alarm and distrust which the mention of it now seemed to excite. Everybody was ready at the time to which he referred to take his turn of service, and he had the honour of serving himself. But to return to the suggestion which he had risen to make, he saw no good reason why each of the 300,000 young men who every year reached the recruiting age should not be made liable to pay, say, his first

week's income, and 30,000 eligible recruits, which was all that was annually required, be secured by the due distribution of the money thus obtained.

SIR HENRY HAVELOCK said, he agreed with what the noble Lord had said about the immature age of recruits; but he could not agree with him in the sweeping condemnation of our Army system generally. Among the statements of the noble Lord to which he took exception was, where he said that we had now 10,000 less Infantry than in 1853. [Lord ELCHO: On the Home establishment.] Now, what were the facts? At the time the Crimean War broke out, between March and September, we were able, with great difficulty, to put into the field 27,160 men. In the following year re-inforcements amounting to 16,800 were sent out, and in the second year the number sent out was 16,000, and they were afterwards re-inforced by 6,000 more, making in two and a-half years a body of some 66,000 Infantry put into the field.

LORD ELCHO said, that what he had stated was that, according to the Estimates for 1853 and 1875, we had 10,000 men fewer in the latter than we had in the former year. We had 74,000 in 1853, and the number in 1875 was 64,000.

SIR HENRY HAVELOCK: The noble Lord's statement substantially is that we are 10,000 men weaker now than we were at the time of the Crimean War.

LORD ELCHO: According to the Blue Book.

SIR HENRY HAVELOCK said, that the Crimean War broke out in March, and that between March and September a force of 27,000 was put in the field; but in two years and a-half the strength of the Army in the Crimea was so re-inforced as to be brought up to 66,000 men. The men obtained in 1853, however, were only got by discounting the future, and by draining every available regiment in India, the Colonies, and at home. The noble Lord, moreover, judged of the existing system at a time when it had not been fully developed, for not a man had yet passed from the Army into the Reserve. These drafts of men did not begin till next year, and the system would not be in full force until seven years from the present time. At present we had an effective

Force at home of 5,000 Guards, 37,390 Infantry, 7,800 men in the dépôts—making together, after allowing a deduction of 20 to 25 per cent, 45,000 effective Infantry, and at the back there was a reserve of 6,300 men. Adding the Militia Reserve, with deductions on the same scale, it would be found that we had a grand total of over 74,500 effective Infantry in this country. What did that mean? Why, it meant that if we proposed to put an expeditionary force into the field to-morrow, we could command 50 battalions of 1,000 rank and file each, leaving at the back of that force 23 battalions to fill up the war strength of those that might suffer losses. That was a large Army for this country; but it by no means exhausted our effective strength. In addition to all he had stated we had 22,000 pensioners who had served in one or two campaigns, and who could not be excelled for home and garrison work. But even these considerable numbers did not exhaust our supply. The men who were derived from the 10 years system ought also to be taken into consideration. Between the years 1865 and 1873 there were discharged no fewer than 40,600 men who had served 10 years in the Army, 10,400 men who had served a shorter term, and 26,950 men who had purchased their discharge, making a total of more than 71,900 effective soldiers who during the last 10 years had been passed into the civil population. Even supposing that a very large proportion of these had emigrated, and making all allowance for deaths and casualties, we ought to be able from this source alone to get 20,000 effective soldiers. Briefly, the short-service system might be summed up as embracing short service, localization of the forces, and closer alliance between the Militia and the Line. For himself he thought that the short-service system had vindicated itself. It had not yet properly come into operation, but it had already given us an effective Reserve of 36,000 men. By the end of 1879 we should get some 19,000 more soldiers added to the Reserve, and three years after that, by which time the system would have reached its full development, no fewer than 41,000 men would have passed through the Regular Army into the Reserve. The noble Lord and hon. Members opposite had depreciated everything that had been done, but had not

offered any effective remedy. In addition to the advantages of the short service system, a complete localization of our forces had been going on by means of the brigade dépôts. They had been in existence only two years, yet out of 20,000 men who had enlisted, 15,000 had been raised in the brigade dépôts. That was a satisfactory result, and if the right hon. Gentleman the Secretary for War would only develop the system by the means in his power, the results would be all that could be desired. In the Militia, we had the most valuable resource this country could possibly possess, and he differed totally from those who desired to do away with it. If the Militia was properly encouraged, its peculiarities—for it had many—studied, and its weak points strengthened, a very small expenditure of money would give us all we wanted. If the right hon. Gentleman availed himself of the machinery at his disposal and improved its defects, he believed that a smaller sum than £400,000 additional would give us every man this country could want under any circumstances. So far from being a failure the voluntary system had, in his opinion, been a great success. In four years, between the Militia and the Line, the voluntary system had produced, on an average, 48,000 men a-year, and that could hardly be said to have been a failure. There were, however, one or two defects which the noble Lord had pointed out, but which, if traced to their source, would be found to be the remains of the old long service system. The noble Lord had shown that we were in the habit of taking recruits whose age was uncertain, and he would like to have no men counted effective who were not 20 years of age. But if we had every year 20,000 men returned as over 20 years of age, what greater security as to the fact should we have than we had at present? The class from whom we drew our recruits were not in the habit of referring to their baptismal certificates. At present some 10 per cent of the men enlisted in our Infantry would never make efficient soldiers, and it would take two or three years to make an equal number efficient. The simple remedy was not to take men of an inferior stamp, and, instead of looking to returns, we should leave the whole matter to the medical officers. As to the localization of our forces, whereas in

*Sir Henry Havelock*

1870 we had no system whatever, we had now throughout the country 68 or 69 various centres, forming a framework which, in time of war, he had no doubt would yield us most satisfactory results. But that was a mere question of organization and brains, and, without going to either of the extremes of forced service or a largely increased expenditure of money, a medium could be found in increased payment of the Reserve and greater attention to recruiting.

MR. GATHORNE HARDY: Sir, I have listened with great attention to this debate from the beginning, and I must remark that I think I have some reason—I will not say to complain—but, rather, to be surprised at the course of it. My noble Friend (Lord Elcho) put upon the Paper a Motion which in its character was of a very limited kind; it was that there should be two lists put upon the Estimates, one of those under 20 years of age, and one of those above. How that was to be carried into effect my noble Friend did not exactly explain, because, as the Estimates are for future services and not for past, it would be difficult to put upon them the men we were going to get according to their ages. It would be impossible to do it. But what my noble Friend seems to require is really done, because he is able at any time to ascertain from the Returns the condition of the Army from year to year. It might be supposed from what my noble Friend said, that there was some hidden law in this which was not anywhere to be discovered. But the facts are given here, and can be ascertained by those who take the trouble. The fact is of late years the number of recruits from 18 to 20 years of age has been gradually diminishing. In 1874 the number of men from 18 to 20 years of age—including the Indian Army—was 19,764; 20 to 25, 59,019; 25 to 30, 38,812; 30 to 35, 31,818. When we get beyond that point I dare say my hon. Friend the Member for Hackney (Mr. Holms) will say we have no serviceable soldiers, but I will give the figures to the end. The number of men between 35 and 40, is 22,548; and from 40 to 50, 5,013. There are, therefore, altogether 176,974, men of whom the portion between 18 and 20 years of age only amounts to 19,764. And yet I am told the Army is in a most deplorable condition—that I am floundering in deep water, and I have my Friends

from all quarters of the House assuring me that they are offering me all the help in their power to enable me to reach dry land. They will not allow me to swim by myself or choose my own landing place after I have taken pains to obtain information on these different subjects which I have heard mentioned with great pleasure, because they will in that way be impressed upon me. But I will venture to say that there is not one of these subjects which has not been considered by me during the time I have had the honour to be at the War Office, and I would ask my hon. Friends who are trying to pick me out of the water to leave me some chance of arriving at the shore by myself, lest they should drown me in their efforts to save me. My noble Friend (Lord Elcho) has used his Motion as a peg on which to hang a long speech on the Army generally. He began by speaking of the great extent of the subject he had before him, and therefore he could not have referred merely to this smaller portion of the Army which is younger than many persons would desire; but, at the same time, there are many eminent military and medical authorities who think it extremely desirable that you should catch your recruit at an age as early as 18, as by the time he reaches 20 he is much better fitted for service than a man who is first drawn at that age from the same class, and who has not been so well-fed or so well-cared for. When my noble Friend tells us that you cannot get a good soldier until he has at least had a year's training, surely a recruit, who, at 19, has been a year under your training may be put as a soldier upon the Estimates, even although he has not arrived at this mystical age of 20. But is it an undesirable or new thing to obtain recruits between 18 and 20? Is there any period in history, I would ask, at which recruits were not taken at this age? Many of those who have fought in some of the greatest battles fought by the English nation have been men between 18 and 20, and it is quite clear that it should be so from what happened in the Crimea, and from what must happen when you have such an Army as you had then. My noble Friend said he would prefer old soldiers instead of new men. [Lord Elcho: I quoted His Royal Highness.] Yes; but my noble Friend quoted it with some exultation as a sentiment in which he

concurred, and it was accepted with cheers by the House. What occurred? You had your grand Army. I admit that nothing could be finer in its character or its fitness for the work it had to do; but when it began to be diminished by disease and wounds, and calamities which fell upon it, what followed? You had then to go into those very markets which you complain of now, and to get recruits who, without home preparation, had to be sent at once into the field where, as the General commanding then said, they "died away like flies." Do you wish to repeat that? If you will not have men under training for a certain number of years, you must altogether alter the conditions of your present system, and you must find out some new method of obtaining reserves to supply the inevitable deficiencies which occur in Armies in the field. No proposition, as I understand, has been made for supplying those reserves. I quite admit—I feel it most deeply—that the great object we should have in view when we have these comparatively young men who are not in a condition perhaps during the first year or two to undergo all the fatigues of a long campaign, is to find means of filling up these cadres to a position in which they could go into service. My noble Friend quoted a statement of His Royal Highness the Field Marshal Commanding in Chief that he was ready to go anywhere at five minutes' notice with the Army he found at Aldershot, just as it was. I having looked at what the illustrious Duke really said do not read it at all in that way. What he said was that he was ready to take every man of the force. That did not mean that he would go merely with a force which did not pretend to be on a war footing, and which only represented the cadres of regiments, while the Cavalry was on its lowest footing, being the last for service. But the illustrious Duke said, with respect to the men whom he saw there, and examined with his general officers most carefully, that combining them with others, and putting them on a war footing, he would be ready to take them into action anywhere at any time. So long as you attempt to have short service you must provide reserves to fill them up. I have made no secret of my opinion upon that or any other point with respect to the Army; but I object most strongly to sugges-

tions as to the deplorable condition of our Army, which are not founded upon facts. We have heard the hon. Member for Hackney (Mr. Holmes), as I think, with some want of judgment, saying of the Army of India, as to which we have had no official complaints, that it is not fit for the service in which it is engaged, and comparing it, to its detriment, with the Armies of Scindia and other Indian Princes. I say he is doing dishonour to the British arms. Now, I should not like to follow my noble Friend further in the words of the illustrious Duke to which he referred, which he had got, I know not where, from the "man in the street." Those statements are not to be found in any printed form; and I think it is a little hard upon the illustrious Duke to repeat statements of that kind when he is not present, and has no opportunity of making any explanation. So far as I am concerned I cannot notice them. [Lord ELCHO: I referred to a published report.] But my noble Friend referred to other statements said to have been made by the illustrious Duke, and as I have no record of them, and do not know what were the exact words, it would not be right for me to make any comment on them. When my noble Friend spoke of the state of the Infantry he omitted all mention of the Guards; and although I will put them no higher than 5,000 men that would make a very considerable difference. With respect to the question of age, does the noble Lord propose that men under 20 are to receive a lower rate of pay than those above that age? [Lord ELCHO: Yes.] Well, it would certainly be a very extraordinary thing to have men serving in the same ranks, doing the same duty, and receiving different rates of pay. The hon. and gallant General opposite (Sir George Balfour) has stated that there were many suggestions of the Royal Commission on recruiting which have not been carried into effect. Now, I find that a great number of their suggestions have been carried into effect; but I certainly do not find among them one that the Secretary of State should take up the recruiting himself. The Commission recommended that there should be an Inspector General of Recruiting and that recommendation has been carried out. The hon. and gallant General opposite said that we were not prepared to

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send our recruits to Germany, and he also said, to my great astonishment, that it was very probable that we should have had to send an Army to Germany in 1870. The right hon. Gentleman who was at the head of the late Government will doubtless be much surprised at the statement of the hon. and gallant General, and I am certain that the people of this country never awoke to the fact which the hon. and gallant General now announces for the first time. But it has been said to-night that we shall never be able to send an Army to the assistance of our allies of the Continent in case of emergency. Now, I am not prepared to admit the accuracy of that statement, although, of course, its truth would depend upon the number of troops we were expected to send. The hon. Member for Hackney tells us that we do not pay any attention to our military organization; but I can assure him that he is mistaken on that point, because the organization of our Army occupies a very large portion of our attention, so that provision should be made, so far as is possible, for such duties as it may be called on to perform. Again, it is an ingenious aspersion upon the War Department, as well as derogatory to this great country, to suggest that we do not contemplate a possibility of our being called upon, under certain circumstances, to assist our allies in case of need. I am quite satisfied that if I were not to take that possibility—I hope not probability—into consideration, I should be greatly neglecting the duty I have to discharge. I am, of course, aware that in making that statement hon. Members may differ from me as to the size of the Armies that we might have to send to the assistance of our allies; but on that point I must take my own view as to the number of troops that may be necessary for home defences, as well as of the number we may have to send abroad. Hon. Members have not to-night told us with sufficient clearness in what our military deficiency consists. I am aware that a small portion of our recruits may deceive us as to their age when they enlist, and certainly the hon. and gallant Member behind me (General Shute) gave us a most extraordinary instance of a boy of 15 years and 9 months enlisting. The singular part of the affair, however, is that that boy is now,

at the age of 22, a sergeant, having obtained rapid promotion in consequence of his efficiency; and the probability is that had he waited until he was 20 before he enlisted he would not have attained the high rank in the service which he now holds.

COLONEL NORTH said, that if the young man in question had gone into the field he would probably have broken down.

MR. GATHORNE HARDY: I quite admit that the hon. and gallant Member has guarded himself both as regards his horses and his men; but the argument remains the same notwithstanding. Turning to the arguments of the hon. Member for Hackney, as I gather them both from his speeches and his writings, he appears to take a totally different view of our military situation from any other hon. Member in this House. I do not know any hon. Member except the hon. Member for Hackney who advocates the separation of our Army into three portions—a Colonial Army, an Indian Army, and a Home Army.

MR. J. HOLMS explained that his proposition was that the Army should be one, but divided into two classes as regarded enlistment in time of peace—that for home service and that for foreign service.

MR. GATHORNE HARDY: I think that the hon. Member in his writings proposes to make a difference between the Indian and the Colonial Army; but I will take it that he proposes that our Army should be divided into two, a Home and a Foreign Army, and that he further proposes that the Home Army should be abolished and should be supplanted by the Militia.

MR. J. HOLMS said, he hoped that the right hon. Gentleman would not misunderstand his proposition. It was that there should be an enlistment for seven years for India and the Colonies which should be continuous, and that there should be a similar enlistment for seven years for home defence, which should be broken or suspended at the end of three years, the men being liable for service, if necessary, until the end of their term.

MR. GATHORNE HARDY: I think I understand the hon. Member to propose that the Home Army shall not serve abroad except in case of emergency—that is to say, to place them in the



same position as the Militia are at present, who are not called upon to serve abroad unless they are embodied and in cases of emergency. In any case there would be, at all events, a separation in the recruiting for the Home Army and for the Indian and Colonial Army. That would introduce a very considerable change in the position of our Home Army, which would no longer receive that training in active service in India which so largely conduces, under our present system, to its efficiency and its discipline. The hon. Member for Hackney says that in the Army all is wrong, and that the ages of men entering the Army are unsettled. There has been no time when men between the ages of 18 and 35 have not been taken for the Army. He says that long service is absolutely effete; but I find that long service has yet many advocates, and I should say that the contest between the hon. Member for Hackney and the friends of long service is not yet over, and I think he will have many formidable opponents to meet on this question. The hon. Member says that he is opposed to conscription in every shape and form, and that it is absolutely unnecessary. I think that is inconsistent with the statement he made about the Prussian Army, which he held up so much to admiration, and in which the Government has the power of putting its hands on 300,000 young men every year. The hon. Member says that his remedy for our military deficiency is the establishment of a short service system far shorter than that of Prussia—as short even as one year. That is all very well, but you have first to get the men who are to pass through this short service. The whole thing, in the opinion of the hon. Member, resolves itself into a question of money. The hon. Member goes from conscription to money, and says that by means of money we shall get recruits from all parts, and he puts the price to be offered at 16*s.* a-week. But is there a necessity for our adopting the proposal of the hon. Member? We are now suffering from the consequences of the great pressure in recruiting that was brought to bear in 1870, when 18,000 young men were suddenly thrown into the Army; and as long as the present system of sending abroad our oldest and most seasoned soldiers and of keeping our youngest men at home exists, so long will our Army appear to be composed

of an undue proportion of young soldiers. Now, we are told that it is possible for us to obtain a higher class of recruits. I have made every possible inquiry as to the character of the present recruits, and I find that the oldest officers and those who are most conversant with the subject are of opinion they are, on the whole, of the same class as formerly. In the Cavalry they are better; and with reference to some of the Infantry regiments and to districts where it would hardly be expected, I have heard officers say that, both physically and intellectually, the recruits are superior to what they used to be. I was surprised to see it attributed to me that I had said that 30 per cent of the Army was unsatisfactory. What I said was that 30 per cent of the recruits, at the outside, was stated in Returns before the House not to be satisfactory. What the hon. Member for Hackney came to at last was a question of payments. Taking into account the advantages the soldier has, he estimated the pay that he received at 13*s.* 5*d.* a-week. I think it should be estimated somewhat higher. As to the advantages, it is very difficult to set a money value on them, for they are of a kind to which a working man is altogether a stranger. As to the Cavalry, I think the pay might be taken to be at a very much higher rate. Indeed, I have heard it put at 23*s.* a-week. But, assuming the figure given by the hon. Member for Hackney to be correct, am I to understand that he proposes we should at once add 2*s.* 6*d.* to the pay of the soldier? It seems to me this would be rather a dangerous proceeding to take where men have been satisfied to come in at the lower rate, and are coming in at present in sufficient numbers to supply the ranks. And has the hon. Gentleman calculated the cost of what he proposes with regard to the Reserves? I am not one who would shrink from submitting sufficient Estimates for the Army; but I think it would be most unwise, in a time of peace, to impose suddenly a large additional charge upon the country. The financial suggestions of the hon. Member are such, I think, as would somewhat alarm the right hon. Gentleman the Chancellor of the Exchequer.

MR. J. HOLMS explained that while he desired to see a large Reserve the Regular Army would become a training school rather than a Stand-

ing Army; and, under these conditions, the Estimates would fall very considerably.

MR. GATHORNE HARDY: The hon. Member proposes that there should be a large Reserve, paid at a high rate, with the object of reducing what is called the Standing Army. I do not pretend to be so well-informed on military matters as some of my Friends; but I have always understood that very small cadres were very inefficient, especially when the reduction was beyond a certain point, because the cadres would not then afford the opportunity of the men getting sufficient training. The hon. Gentleman has really not given us a complete statement of his case. He has not stated what the great change he proposes would cost. And it would certainly be a great change. Now I cannot help calling the attention of the House to the great changes which have been going on in the Army in recent years—changes so great that I should tremble to make others which were not absolutely necessary, because of the feeling of dissatisfaction which must be expected to exist in the Army if there is a continual uncertainty as to what may happen. So dangerous do I think these frequent changes that I must be excused for moving somewhat more slowly than some of my Friends may desire. I trust, however, that credit will be given me for an anxious desire to remove any defects there may be in the existing system. No doubt there are defects. There may be a great necessity—I am inclined to admit there is a necessity—that we should expedite the means of filling up the cadres in the case of urgent need. I think that my noble Predecessor (Viscount Cardwell), though he estimated the number that would come in every year, yet he fell into error from not making sufficient allowance for reductions that will inevitably occur. When we are dealing with the Indian Army as well as with that in England, it should be borne in mind that we must occasionally of necessity detain men longer from the Reserve than they would otherwise be kept; and therefore you must not calculate on that rapidity of increase in the Reserve which superficially would appear from maintaining it upon the footing on which it now stands. When the Militia is talked of as the foun-

dation of our recruiting system, I cannot but feel that there is great difficulty in dealing with the Militia upon that footing; because there will always be a desire to maintain a regiment of Militia that has been got together with great care and anxiety: and there may naturally be wanting an earnest and keen desire upon the part of its commanders to pass their best men into the Army. Notwithstanding all this, however, I yet believe that the best way of supplying our Army with recruits will be through the Militia. I am aware that a distinguished officer has expressed the opinion that with that object it would be a good thing to abolish the existing recruiting establishments entirely. This, however, is a subject which requires great consideration. Then as to what has been said by the hon. Member for Derby (Mr. M. T. Bass), I believe that many years ago he told me of that scheme which he had. It is very much like a system of substitutes; for you are to give the money to buy one, though you do not provide one yourself; for rich men would find themselves practically in the same position as if they were to provide substitutes. With respect to the ballot for the Militia, there is no doubt that the law is at present in an unsatisfactory state. I have this year brought in a Bill which I hope the House will allow to pass without much amendment, it being a mere Consolidation Bill of what may be called the Voluntary Militia Law, except in so far as there are some amendments proposed which have become necessary owing to the Militia having been brought under the War Office instead of being under the Lord Lieutenant. If that Bill is passed, we shall then have before us in a convenient shape the whole of the law relating to the Volunteer Militia. There are difficulties connected with the ballot, and yet it is quite obvious that whoever has to do with the management of the War Department in this country must contemplate the possibility of having to call into action the ballot system of the Militia. It remains as a sheathed sword which it may become necessary to draw. I do not think it would be wise to draw it unnecessarily; but if the necessity should arise, I am sure no Minister with a due sense of duty would shrink from availing himself of it. After the discussion we have had, I hope the House will now permit us to go into Committee

on the Militia Vote; the only Vote which it is intended to propose to-night.

MR. W. M. TORRENS said, that as his noble Friend who brought forward the Resolution would be unable to reply, he would simply address the House on the subject before it. He did not think that the right hon. Gentleman the Secretary for War had said anything that would dissipate the anxiety that prevailed in reference to the Army. He talked in a disparaging way of the mystical age at which recruits were got; but the right hon. Gentlemen and his Friends ought to have spoken out in 1871 upon the Army Regulation Bill, when he (Mr. Torrens) brought forward a clause to prohibit the sending of men under 20 in the Army out of the country. On an average of 10 years they had had invalided home from India 5,000 men; and of these two-thirds were under 25, and many were under 20 years of age. Of these 5,000 men, 70 per cent had pulmonary and heart complaints, and great numbers of them were sent to perish in workhouses. The authorities were sending young men to India every year by thousands who were not fit to serve, and the result was they had to bring them home soon in an exhausted state. That was a practice which was as cruel to the raw lads they enlisted, and as burdensome to the finances of India, as it was injurious to the efficiency of the Army and dangerous to the interests of the Empire; and until it was abandoned our military system could never be brought into a satisfactory state. He believed any medical man of experience, who was free to give an opinion without directions from head-quarters, was capable of giving an opinion as to whether a youth was 16, 17, 18, or 20 years of age.

SIR HENRY HAVELOCK said, there was a difficulty in ascertaining the age from the statements made to the medical men.

MR. W. M. TORRENS said, he did not agree as to the impracticability of discovering it. When his noble Friend (Lord Elcho) said that no man in the Oxford and Cambridge Boat Race was allowed to row in the race unless he was over 20 years of age, he was caught up by an hon. Member behind him. But he (Mr. Torrens) could state to the House that Professor Skey, who had great hospital practice, used to warn his

private patients against allowing their sons who were at College to join the boats crews, because he believed that the great exertion which they would undergo would tend to produce serious consequences, probably disease of the heart. With regard to the class of men which it was desirable to obtain for the Army, if they wanted serviceable men they could have them by paying for them; and if they did not pay for them they did not deserve to have them. With regard to boys in the Navy and boys in the Army, the case was very different. He had a conversation the other day with an experienced authority on the subject, who pointed out to him the difference of the duties and position of boys in those respective services, that of the Navy being the most healthful. He (Mr. Torrens) had heard somewhere that Members of Parliament ought not to criticize what were called Returns in reference to the Army and Navy, and that they deserved to be lectured for meddling in those matters. But let him ask what the business of the House of Commons was? The business of Members of Parliament, whether they were mercantile men or representatives of agricultural interests, was to inquire into those matters; and he hoped he should always be free to make suggestions on the subject, and that he should not be told that it was presumption in Members of Parliament their places in this House to say that the Army was not in an efficient condition. Members of Parliament were not to be lectured in that way; and let it be borne in mind that Parliament was supreme, and that the House of Commons had a perfect right to express its opinion on a branch of the Service which cost the country £15,000,000 a-year. The country wanted men, and not imitations, and they were labouring under the conviction that the latter was all they got at an expenditure of £3,000,000 annually.

CAPTAIN NOLAN said, this was a very curious debate, being, until the right hon. Gentleman the Secretary of State for War had spoken, all one-sided. The right hon. Gentleman, however, had in his speech built up "a house of cards" that he might knock it down, and told them that they had had a most satisfactory discussion. There could be no doubt that practically all except the right hon. Gentleman had agreed upon the point that

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the country did not get a marketable article for the money spent. With regard to the question of the term of service, very great difference of opinion existed; but with respect to the so-called mystical age of 20, there was no difference of opinion. It was well established by military experience as the age under which the soldier could not be efficient. When Napoleon I. had exhausted all his young men of 20, he had to fall back on younger soldiers, and the result was patent in the calamities which befel the French arms in 1813. The truth was, the Secretary for War could not help himself in the present state of things. With respect to the pay of the soldiers, take it with all sorts of advantages, rations, barrack accommodation, &c., it did not amount to more than 14s. 1d. per week; but there were matters which brought it down to 13s. 5d. a-week. Now, 14s. 1d. a-week might be thought sufficient to induce men in the West of Ireland, whose wages were as low as 9s. a-week, to enter the Army; but many of them had better prospects from their relations, who might leave them something, and preferred remaining at home, and if they did leave their homes they expected the market rate of wages in England, in the North of which agricultural labourers got 18s. a-week, which was a greater inducement to them than the pay of a soldier in the Army; so that soldiers were receiving 4s. a-week under the market rate of wages. The hon. Member for Hackney (Mr. Holms) had put it down at 3s.; but he (Captain Nolan) said 4s. Thus it might be deduced that soldiers were serving under the market rate of wages. It was not fair to expect men to make such sacrifices. As there would be the strongest opposition to a conscription, they never would have an Army in an efficient state until they were paid a more remunerative price.

COLONEL MURE said, the debate which had taken place that night was one of the most remarkable in reference to the Army, because no soldier or civilian, with the exception, perhaps, of the Secretary of State for War and his hon. and gallant Friend the Member for Sunderland (Sir Henry Havelock), had said that the Army was in a satisfactory condition. In venturing to say a few words, he would, in the first place, remark that they ought to keep faith with the popu-

lation from whom they obtained their recruits. His opinion was that the difficulties which they had to contend with in obtaining recruits did not emanate so much from an unwilling population as from the discontent which radiated from the barrack square. Not very long ago a Circular was issued from the War Office, which was issued to the recruiting sergeants, and which they were ordered to read to recruits. One of the paragraphs of that Circular was to this effect—that it had been calculated that a prudent soldier could deposit at least 3s. in the savings bank per week, and consequently they would be master of a capital of £50 upon concluding their six years' service. Now, no man with a knowledge of human nature, much more a knowledge of a soldier, could believe that it was possible for a soldier, who would receive, at the outside, only about 6d. per day, to save £50 in six years. As a matter of fact, it was impossible that a soldier could save so much as 6d. a-day, when they took into account the expenses of autumn manoeuvres, and the stoppages to which a soldier was subjected for various articles. If a man had all the virtues of the patriarch Joseph, and all the self-denial and practical and theoretical virtues of the hon. Member for Carlisle, and if, besides that, he never did a generous deed, never helped a friend in distress, and never spent a single farthing in any of the ordinary enjoyments of life, he might, by the barest possibility, save £45 in the course of six years. The right hon. Gentleman did not know the Army; he had been brought up to the law, and would no doubt recollect the legal maxim, *De minimis non curat lex*, according to which maxim the authorities were not justified in exhibiting most exceptional and rare cases as the general rule; and therefore the War Office was not justified in holding out to the recruit that he would be able to realize £50 during the years of his service. When they offered any temptation to young men to enlist, they should not put before him that which was barely possible, but that which was probable and likely. The soldier gave his time and industry, which was his capital, and invested it in the Army, and if he was tempted to enter it on the inducement that he would be able to retire at the end of six years with a saving of

£50, he was working on the representations of a false prospectus, as false as any of those issued by Companies of limited liability of which, unfortunately, they every day heard so much. Now, he asked, was it politic to hold out false hopes which dazzled to disappointment and discontent, which, radiating from the barrack square, rendered the service unpopular? Was it creditable that youths often on the verge of starvation should be induced to enlist by false representations, and that non-commissioned officers should be employed to deceive them by deliberate falsehood? He had persistently and thoroughly inquired into this matter, and he never received from quarter-master or non-commissioned officer any other answer than that the representation was absolutely and entirely false. A recruiting sergeant informed him lately that he and his colleagues knew that this representation was false, but that they had to obey their orders. He was perfectly convinced that the right hon. Gentleman, when he issued that Warrant, thought it entirely true; but he must have gone for his information to some actuary or average clerk, for if he had gone to men of experience in the Army they would have told him quite a different tale. In a late debate the right hon. Gentleman had told them of the moral condition of the Army, and to show how high it stood in public estimation stated there was a clergyman's son in one of the regiments. Well, that clergyman's son had been in the Army ever since he knew it. Twenty-five years ago, when he joined the Army, the first night he was at mess he sat beside an enthusiastic ensign—all ensigns were enthusiastic—who said to him—"This is a splendid regiment: we have got a clergyman's son in it." From that moment he conceived a very high idea of the estimation in which that regiment was held, and of the moral condition of the Army. If, instead of quoting stale stories, the right hon. Gentleman would refer to the official records of crime in the Army, he would have to adopt a different tone. Still, looking at the class from which the Army was recruited, it was wonderful their soldiers were not worse behaved than they were. Every moral agency was resorted to for their improvement, and yet during the last three years they had to send out of the Army as many as 6,000 men for bad

conduct. During the last year there had been 16,000 courts-martial, and 11,000 separate men had been brought to trial before them. Besides, there had been 235,000 punishments inflicted by the commanding officer, so that it would appear as if the whole Army had been punished once, and 60,000 of it punished twice in the course of last year. There had been, besides, 47,000 fines inflicted for drunkenness. That being the case, he did not wonder that the better class of men did not enlist. Perhaps the right hon. Gentleman would reply that the Army was no worse now, morally, than it was many years ago; but what did that amount to? Why, merely to this—that the Army was as morally bad then as it was now. Now, looking at the vast improvement which had of late years taken place in all phases of life and in every social sphere, would that answer be satisfactory? For instance, our troops committed terrible excesses in the Peninsular War, at St. Sebastian, and other places. Would we have tolerated such excesses had they been committed two years ago at Coomassie? Unfortunately, this was the only country in Europe where the uniform of a soldier was considered a badge of disgrace. Theatrical managers and steam-packet and railway companies would not allow a man wearing the Queen's livery, unless a commissioned officer, to take his place among civilians. His breast might be covered with medals—proofs of his distinguished gallantry—his uniform might show the high rank he had obtained among non-commissioned officers, and yet he was considered a Pariah in civil life with the Victoria Cross on his breast! The Secretary for War asked for suggestions. He would offer one to the right hon. Gentleman—namely, that it should be made illegal for lessees of theatres and railway and steam-boat companies to exclude any section of Her Majesty's subjects from the full privileges which they all ought equally to enjoy. He had lately been staying in a country house. A friend of his was very enthusiastic about the local gaol, and they went together to inspect it. He (Colonel Mure) had some communication with the gaoler, who was a well-informed and somewhat voluble person. He said to him—"Now, you must have studied human nature a good deal; what conclusion have you come

*Colonel Mure*



to?" "I have," said the gaoler, "and I have come to the conclusion that all the prisoners may be divided into two classes, those who have been led into trouble, and those who are naturally bad men." "Do you not try and influence them when they leave you?" asked the hon. and gallant Gentleman. "Certainly," said the gaoler. "To those who have been led away by others I say—'Try and earn your living honestly in however humble a capacity, and don't go back to the district you came from, because they know you there and you will be blown upon.'" "And what do you say to those poor creatures who are naturally bad?" asked the hon. and gallant Gentleman. "I say, 'Go into the Army; go into the Army,'" replied the gaoler. This was the way in which the Army was estimated by the general public, and he sincerely hoped the right hon. Gentleman would endeavour to improve it in this respect. This was probably the last discussion the House would have upon the Army. He (Colonel Mure) had expressed his opinion—an opinion formed on both private and official information of the highest authority—and notwithstanding the halting defence which had been set up by the War Office, he was all the more convinced that matters were far from satisfactory. At the same time he felt certain that the late discussions had been of use, and that, far from embarrassing, they had really strengthened the hands of the War Minister. In conclusion, he begged to acknowledge the invariable courtesy which the right hon. Gentleman had displayed during the late debates, and his sincere belief in his earnestness of purpose and ability to grapple with all the difficulties of his distinguished position.

COLONEL BARTTELOT said, he thought his hon. and gallant Friend the Member for Sunderland had blown hot and cold in reference to this matter. In a speech made some time back, he said that—

"He did not wish to disparage unduly the state of the Army, nor to throw a slur upon the ruby-coloured Report which had been made on the recruiting service; but those who were acquainted with the condition of soldiers in this and in other countries must be aware that the securities we were resting on were merely a delusion, full 20 per cent of our Infantry troops not being fit for service. He had asked many officers of experience whether the men they

were now getting were equal to those 20 years ago, and his reply was—'Nothing like them; they could not carry their arms, accoutrements, and knapsacks on the march, and we should have to leave many of them behind.'" — [3 *Hansard*, cccxii. 1458-9.]

SIR HENRY HAVELOCK said, the hon. and gallant Gentleman could not have heard his speech that evening, or he would know that, in effect, he had repeated the statements just quoted from his former speech.

COLONEL BARTTELOT said, he had heard every word of the hon. and gallant Member's speech, and he could not reconcile it with the statement he had just quoted. Further on in the same speech the hon. and gallant Gentleman said that—

"They were gradually coming to an emergency which, with their present means, they would not be able to cope with; and sooner or later they must adopt some modified form, not of universal service, but of universal training." — [*Ibid.* 1460.]

The hon. and gallant Gentleman did not, he believed, say anything of that kind to-night. The hon. and gallant Gentleman supported his right hon. Friend, he (Colonel Barttelot) thought, in everything he had done, and showed most conclusively that the Reserves at his disposal were amply sufficient. His right hon. Friend stated that he was perfectly willing to look into them, and he also made this important remark—that there was great necessity to improve the Reserves. He (Colonel Barttelot) had, on a previous occasion, called attention to the Reserves. If they paid no attention to the Reserves, he was quite sure their service must be the greatest delusion. His right hon. Friend also went further—he stated that in case of necessity he would have no objection to adopt the ballot. That would give some satisfaction to his (Colonel Barttelot's) noble Friend who sat on the bench below him. He was quite sure his right hon. Friend would bear in mind the great responsibility he had undertaken, and that next year it would be found he had not been deficient in the performance of his duty.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

## SUPPLY—ARMY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

£685,300, Militia Pay.

COLONEL NAGHTEN called attention to the position of non-commissioned officers of the Militia Staff. It was true that they came in on the understanding that after 20 years' service they should receive a retiring pension of 5*d.* a-day. He thought that, under the altered circumstances of the times, they laboured under a grievance which ought to be remedied at once, and he would propose that after 10 years' service these sergeants should retire with a pension of 5*d.* a-day in addition to their former pension; after 15 years, with 8*d.*; and of 20 years, with 1*s.* He thought the colonels appointed for the last two years to the brigade depôts had something very much like sinecures, and he should like to see some of that money expended in training colleges for sons of non-commissioned officers. It had been stated that the best recruits came from the Militia; but some Militia officers did not encourage recruiting, and he would suggest that such officers should retire, and be replaced by those who would encourage recruiting. As regarded the stagnation of promotion, he knew as a fact that considerable discontent existed in the Marines at the way in which the officers were treated. He believed that if Captains in the Army were allowed to retire with brevet rank, and allowed to wear their uniforms, they would be glad to do so, and thus the chances of promotion would be increased. He recommended that officers joining the Militia from the Regular service should be allowed to reckon their Army service for honorary rank in the same way that Militia officers counted their embodied service.

MR. HAYTER said, he wished to refer to a statement made by the Secretary for War when introducing the Army Estimates, that Militia officers were becoming much better instructed and had obtained a considerable number of certificates for military proficiency. He found on reference to the *Army List* of the present month that in the seven regiments of the Lancashire Militia, with 158 officers, only 24 had received any public certificate of proficiency, and

24 had served in the Army. In the five regiments of Middlesex Militia, out of 114 officers, only 33 had received certificates, and 21 had served in the Army. Of the whole of these 272 officers only 102 had received certificates, leaving 170 in 12 regiments who had received no certificates of proficiency. In some regiments no certificate had been received at all. Now, in the Volunteer regiment commanded by his noble Friend (Lord Elcho) — the London Scottish — every officer had obtained a certificate of efficiency except two sub-lieutenants; and in the regiment commanded by his hon. and gallant Friend the Member for Ipswich (Mr. Bulwer) — the Inns of Court — there was only one officer who had not received a certificate; and in the regiment which he himself commanded — the London Rifle Brigade — every officer but one had received a certificate. He trusted that the right hon. Gentleman the Secretary for War would take such steps as were necessary to secure a better attendance of officers at the schools, and enforcing the attainment of certificates before they obtained a higher grade. The next point to which he wished to call the attention of the Committee was the number of the Militia. He found that out of an establishment of 123,668 only 84,316 trained or were present at inspection, 10,069 having been absent without leave, and 2,642 with leave. In 1873, however, out of a smaller establishment of 120,546 we had 87,315 trained, and with those absent, with or without leave, we were only 17,194 short of our establishment against 25,143 in 1874. An increase of deficiency of trained men below the establishment of 8,000 in a single year seemed to him to call for some explanation. But the point to which he wished to draw the Secretary for War's attention was the desirability of filling up the Militia to their full quota, and, if possible, with men who had completed their first term of service in the Army. Such trained soldiers of the age of 24 would leaven the young soldiers in the ranks of the Militia, would form the most effective reserve, and would have the additional advantages both of a yearly training and being found when they were required for active service in the field. The right hon. Gentleman told them that a place would shortly have to be found for every man in the Reserve, and

he sincerely trusted that might be done through the ranks of the Militia. Another point to which he wished to draw the attention of the House was the entire exclusion of the Militia, and, indeed, of all the Auxiliary Forces, from the best part of the Autumn Manœuvres this year. He saw yesterday in *The Times* the details of 20,000 troops who were to be engaged in these manœuvres in the neighbourhood of Aldershot during the month of July; but among them was not to be found a single Militia or Volunteer battalion. Now, having twice commanded battalions of the Auxiliary Forces at the Autumn Manœuvres, he ventured to say that there was nothing which so much roused the men to show to their best, whether in camp, on the march, or in the field. The Militia especially might complain that the arrangements of the right hon. Gentleman were so made as entirely to exclude them from their accustomed manœuvres. The last point he wished to advert to was the position of the new brigade dépôt adjutants. They were to be appointed for five years from a regiment of the Line; but if there were two battalions of Militia at the same brigade dépôt, a temporary adjutant must be appointed if they were out for training together. Would the commanding officers be as well off with one adjutant, who was really the Brigadier's adjutant, as they were with the former adjutants of their own battalions; and would the captain from the Line be equally active in looking for recruits, and in training the staff-sergeants of regiments, to whom, after all, he was only temporarily attached? They had also seen an extract from a Warrant, issued on the 29th of March, by which in certain cases the adjutant retiring under the new scheme might be promoted and appointed the major in the same regiment over the heads of all the captains, who, under his retirement, had held higher rank than himself. He trusted, in fairness to the captains, that such promotions would be very exceptional.

COLONEL GILPIN, in reply to the hon. Member for Bath (Mr. Hayter), said, that upon no occasion had any officer in his regiment of Militia been examined by the Board of Officers and had not passed. With regard to the Warrant which had been recently issued in reference to the adjutants of Militia,

he thought it unwise, because it was offering a bribe to them to retire from the service in the prime of life, when they were perfectly able to continue their services. It should be remembered that an adjutant of Militia was one of the most important officers in the regiment, and that so long as he could serve and was thoroughly efficient he ought to be allowed to continue to do his work. He was afraid his right hon. Friend had been hampered by adopting the plan of his Predecessor, and he would not improve that system by engrafting upon it what he now proposed to do. His system would be found to be costly, and he feared it would be unwise.

SIR HENRY HAVELOCK urged upon the consideration of the right hon. Gentleman the importance of encouraging men to pass from the Army into the Reserve. He advocated the improvement of the Militia Reserve; suggested that the period of training should be extended from 28 to 42 days, and that the sum paid should be increased from £1 to £1 10s. A large class of men in this country would willingly go into the Militia, as the service extended over a short period of the year and was entirely local, and if proper means were taken a large number of these men would go into the Line.

COLONEL BARTTELOT pointed out that the number of men absent from the annual Militia trainings in different parts of the country varied considerably, and suggested that this showed the existence of defects in the mode of recruiting, which called for the attention of the Secretary of State for War. He also objected to officers of Militia being put in as lieutenants of the Line, on the ground that the sub-lieutenant who might eventually go over his head had to serve under him sometimes for a period of a year and a-half. That state of things could not be for the benefit of the Militia or the discipline of the Army.

MR. STANLEY said, that a scheme had been drawn up for meeting the grievances of adjutants, under which those who were unwilling to accept the new terms of service had the alternative of retiring on a special allowance. The calculated cost of the scheme was £18,000 a-year, but by bringing in half-pay officers to fill the vacancies, created in the Line regiments, no less than

£14,000 was made available for meeting that expenditure. As to the proficiency of officers, a subject he had not expected to be introduced, he would only remark that it was not fair to infer from the fact of an officer not having his certificate that he was not sufficiently acquainted with his duties. To compel officers to attend the schools at which these certificates were given might be driving the willing horse at too great a speed; and if it did not appear that the service suffered, it was better to leave the matter for private arrangement between the officers and their commanders. It must be remembered that all examinations for promotion were now far more strict than they used to be. It was intended, as far as possible, to absorb the old quartermasters of Militia who were reported to be competent, appointing them as quartermasters of brigade depôts. With regard to the appointment of adjutants as majors, that was a matter which must be left to the discretion of commanding officers with the approval of the Secretary of State and the military authorities. With respect to absentees from Militia regiments, they were more numerous than was desirable in large towns, because there the recruits were often engaged in the autumn and winter, and it was practically impossible to be certain that they would not change their residence.

GENERAL SIR GEORGE BALFOUR drew attention to the fact of the great number of absentees that there were from the Militia. The last Return for 1874 laid this year before the House showed no less than 1,000 officers were reported as being absent from training, or rather absent on the day of inspection. Considering that there were only 3,486 Volunteer officers in the Force, exclusive of the permanent Staff, it must be allowed that this was an excessive number to be absentees. No doubt there were 565 of them wanting to complete, the remaining number, 413, being absent with and without leave. Out of the permanent staff of non-commissioned officers, of 4,806 sergeants and drummers there were 285 absent with leave, without leave, and wanting to complete. Again out of 7,600 sergeants and corporals appointed from the Volunteers, no fewer than 1,563 were absent on the day of inspection; and out of an establishment of 123,668 privates, only 84,316

were present on the day of inspection, making a difference of 39,352 privates, or as nearly as possible one-third of the Force. The vast extent of absentees amongst officers, non-commissioned officers, and drummers was a matter which he thought deserved the attention of the Government. This state of the Militia was one that had existed during the whole period of nearly 20 years, for which Returns had been laid before the House of Commons. Year by year these Returns showed nearly one-third of the whole Force absent on the day of inspection, not of privates alone but of all Volunteers, including officers: no doubt the permanent staff of non-commissioned officers and drummers was far more complete, but there ought not to be a man of the permanent Staff absent, seeing that they were on pay all the year. The great defect in these Returns was the absence of information as to the ranks of officers present and absent. The Return only showed officers, without dividing them into their several grades. There were also discrepancies between the numbers in the annual training Return, and the numbers entered in the Army Estimates; the grades also showed considerable differences, as also the number of privates. There was an important point connected with the Militia, and that was its military instruction. It was most essential to extend this training. He understood that many Militiamen in London and the large towns could without inconvenience attend drill in the course of the winter months; and individual training of this kind would be likely to have a most important effect. More frequent inspection to separate portions of the Militia, particularly of the Volunteer Reserve for the Army would also be of great advantage. He hoped that in the Army Estimates information would be inserted in future showing what was the establishment by ranks of the Militia regiments; the number of regiments and companies.

MR. RITCHIE said, that since 1871 an officer promoted from the rank of a subaltern to the command of a company had to undergo a very strict examination, and no subaltern could remain in a regiment unless he passed an examination of efficiency by the end of his second training, so that it was quite a mistake to suppose that only those Militia officers were efficient who had P.S.

*Mr. Stanley*

after their name in the *Army List*. With regard to the training at Aldershot, it was, while it lasted, very severe, and not suitable for Militia who could be much better trained in their county towns. This was now being carried out to a great extent, and would, he had no doubt, bear fruit in a large increase in recruiting for the Militia. The condition of the Militia was now very much improved. Their uniforms some time ago were disgraceful—the colours of their coats being various, from the dirtiest of brickdust to the brightest of scarlets. All that, however, was now changed, and the Militia were smartly and well clad, and they were no longer laughed at. Of his own regiment—the 2nd Royal Surrey—he was proud to speak in the highest terms.

LORD ELOHO said, he had a few days ago been present at an inspection of the Militia Reserve, and he was highly pleased with their discipline and excellent state of training.

*Vote agreed to.*

Resolution to be reported *To-morrow*;  
Committee to sit again *To-morrow*.

#### POST OFFICE BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to further regulate the Duties on Postage, and otherwise to amend the Law relating to the Post Office, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Lord JOHN MANNERS.

*Bill presented*, and read the first time. [Bill 180.]

#### SURVEY (GREAT BRITAIN) ACTS CONTINUANCE BILL.

On Motion of Lord HENRY LENNOX, Bill to continue for ten years the Survey (Great Britain) Acts, *ordered* to be brought in by Lord HENRY LENNOX and Mr. WILLIAM HENRY SMITH.

*Bill presented*, and read the first time. [Bill 181.]

House adjourned at a quarter  
after One o'clock.

### HOUSE OF COMMONS,

*Friday, 21st May, 1875.*

MINUTES.]—SUPPLY—considered in Committee  
— CIVIL SERVICE ESTIMATES — Resolution  
[May 20] reported.

PUBLIC BILLS — *Ordered* — *First Reading* —  
Turnpike Roads (South Wales) \* [183].

Committee—Military Manœuvres \* [166]—R.P.  
*Considered as amended* — Bishopric of Saint  
Albans [95]; Sale of Food and Drugs  
[168].

*Third Reading*—Endowed Schools Act (1868)  
Continuance \* [161], and *passed*.

#### PUBLIC BUSINESS—MORNING SITTINGS—MONASTIC AND CONVEN- TUAL INSTITUTIONS BILL.

##### QUESTION.

MR. NEWDEGATE asked the First Lord of the Treasury, Whether he will consent to the appointment of a Morning Sitting for the consideration of the Second Reading of the Monastic and Conventual Institutions Bill? The reason why the Order for the Second Reading had been so long deferred was because of the delay in making certain Returns which had been ordered by the House on the subject.

MR. DISRAELI: Sir, I am sure there is no Member of the House that it would give me greater pleasure to convenience in the arrangement of Business than my hon. Friend; but my hon. Friend is under a mistake in supposing that I have any control over Morning Sittings. They must be fixed by the House. I appeal to the House whether the state of Public Business justifies me in so doing, and the House has generally supported me; and I fear I shall have on my own account to make frequent, if not constant, appeals to the House to grant Morning Sittings for the transaction of Public Business during the remainder of the Session. But, as a general rule, I never venture to ask for a Morning Sitting for the Business of the Government, unless it is in the case of a measure which the House has approved of by reading the Bill a second time. Now the case of my hon. Friend is that of a Bill which has been before Parliament for, I think, at least four years, and which the House has never read a second time. Therefore, I can hardly think that, under any circumstances, my hon. Friend can make a successful appeal to the House to grant him, at this period of the Session, the indulgence which he asks. I must repeat that it is not in my power to make that appeal, and I shall be under the necessity, in order to assist the advancement of the Government measures, to appeal to the House frequently to grant Morning Sittings for those Bills which the House has approved of by reading a second time.



## SUPPLY.

Order for Committee read.

Motion made, and Question proposed,  
“That Mr. Speaker do now leave the Chair.”

PARLIAMENT — LORDS SPIRITUAL—  
RIGHT OF BISHOPS TO SIT IN PARLIAMENT.

## OBSERVATIONS.

MR. CHARLEY, in rising to call attention to the reduction, by the Irish Church Act, in the number of Lords Spiritual sitting and voting as Lords of Parliament, and to the provisions of Section 2 of the Act for Establishing the Bishopric of Manchester—10 & 11 *Vict.*, c. 108—said, that this section, which introduced the principle of rotation, involving the exclusion of junior Bishops from the House of Lords, excited warm discussion at the time the Act was passed. The opposition to it was led in the House of Lords by the late Earl of Derby, who felt so strongly on the subject that he recorded in the Journals of the House his protest against the clause, which was also opposed by Earl Fitzwilliam, Lord Brougham, and the late Bishop of Winchester. In the House of Commons the opposition to the clause was led by Sir James Graham, and Mr. Stuart Wortley and other eminent Members also opposed the clause, and it only passed through the House by the support of hon. Members below the Gangway on the Liberal side, who were naturally opposed to any increase in the number of Lords Spiritual. For his part, he objected to the exclusion of junior Bishops from Parliament—first, on grounds of public policy, and secondly, on constitutional grounds. He objected to the exclusion on grounds of public policy for three reasons. He objected to it, first, because the Bishops were endowed with large powers, and it was of the last importance that they should be directly responsible for the exercise of their powers to public opinion. By placing the Bishops in the House of Lords they were put on the same footing as Ministers of State and other public men, and were liable to be questioned and called to account with reference to their actions out-of-doors; otherwise they would be practically irresponsible. In support of that proposition he might

state that the late Bishop of Winchester in 1847 adduced instances in which tyrannical acts on the part of Bishops had been arrested in consequence of questions being addressed to them in their places in Parliament. He thought, therefore, that the presence of the Bishops in the Upper House was a safeguard to the liberties of the clergy, and that any agitation on the part of any section of the clergy against an increase in the number of Lords Spiritual, arising out of jealousy of Episcopal authority, was extremely short-sighted. His second reason for desiring the repeal of the 2nd section of the Act was that it excluded from the House of Lords Bishops who were in the prime of life, and who were then best able to discharge their legislative functions, while at the same time it admitted Bishops who from age and infirmity might be unable to properly discharge such functions. His third objection to the 2nd section of the Act was that it would be to the advantage of the community at large that the lay and the Spiritual Peers should be brought together in the same Assembly. Nothing could be more calculated to narrow the minds of the Bishops than to shut them up with their clergy within the limits of their own dioceses. They would thus be mere “country” Bishops, destitute of all knowledge of the motives which guide mundane actions. On constitutional grounds he objected to the 2nd section of the Act for two reasons. The first was, that it limited the Prerogative of the Crown by restraining Her Majesty, her Heirs, and Successors from summoning to the Upper House the junior Bishops until vacancies occurred in the numbers of the elder Bishops. Was it desirable to fix a precise limit beyond which the Crown was not to go with regard to the creation of Spiritual Peers? By the Irish Church Act, the number of Spiritual Peers was reduced from 30 to 26. Was the number to remain for all time at 26? He further objected to the 2nd section of the Act on constitutional grounds, because it suspended a right which the holders of our ancient Sees had enjoyed from time immemorial—the right of being summoned to the Great Council of the Nation. In 1847, Lord Russell admitted, on the part of the Government of the day, that every Bishop was entitled to be served with a Writ of

Summons to Parliament, unless that right was expressly taken away by Act of Parliament. He (Mr. Charley) might be reminded of the position of the Bishop of Sodor and Man; but the position of that Bishop was only in appearance an exception, the reason of his exclusion from the Imperial Parliament being that he was a Member of the Manx Legislature. The total number of Lords Spiritual having been recently reduced from 30 to 26, Parliament could with less hesitation approach the question of increasing the number. He could not see why there should be a system of rotation with regard to the Lords Spiritual and not with regard to the Temporal Peers. Before the Reformation the number of the Lords Spiritual greatly exceeded the number of the Lords Temporal. He had every confidence in Her Majesty's Government who, no doubt, were anxious to protect the union between Church and State, but he had felt it his duty to call the attention of Parliament to the subject which involved important considerations alike of public policy and constitutional law.

MR. BERESFORD HOPE said, that with all respect to his hon. and learned Friend, he must say that he could not see anything either in the subject or the remarks which had been made which ought to occupy their attention beyond a very short time. He (Mr. Beresford Hope) took part in the debates of 1847, to which reference had been made, and he had felt at that time that the gain to the Church in elasticity by the creation of the Bishopric of Manchester was far more than a set-off for a slight departure from the old principle that every Bishop should be a Peer of Parliament. His hon. and learned Friend had not completed his own argument, and he (Mr. Beresford Hope) would suggest that he should carry his recommendation further, and that when the new Opera House was constructed on the Thames Embankment, it should contain a Bishops' Bench. He could not sympathize with the pathetic description which his hon. and learned Friend had given of the poor country Bishop sent down to his own diocese, and deprived of the opportunity of having his mind enlarged by a residence in London. It was well known in the case of the junior Bishops how they felt that they required to be resident for

two or three years in their own diocese after their appointment, in order that they might become personally acquainted with its wants, and with the clergymen with whom they had to work. If his hon. and learned Friend had taken the trouble to consult the Bishops themselves on the subject, he felt certain that he would not have raised the question, and he was sure that the course which had been taken had strengthened, not weakened, the Church in the eyes of the country. He hoped the time of the House would not be taken up in the consideration of such a subject, and trusted that they would at once proceed to other business.

SIR HENRY SELWIN-IBBETSON agreed very much with what had fallen from his hon. Friend the Member for the University of Cambridge (Mr. Beresford Hope), and wished, at all events, that his hon. and learned Friend the Member for Salford (Mr. Charley) had proposed some definite Resolution, instead of merely calling attention to the subject. The question was thoroughly gone into in 1847, the arguments which were now advanced had been fully considered, and what was regarded as a satisfactory settlement was then come to. As to the reduction in the number of Spiritual Peers caused by the Irish Church Act, that was a matter which ought rather to have been discussed before the Act was passed. It was never mentioned at that time, the settlement of 1847 being, no doubt, accepted as sufficient. In his opinion, Her Majesty's Government would be unwise at this time to make any alteration of the kind proposed. The arrangement to which he had referred had been found conducive to the best interests of the Church, and he did not think the alteration suggested would at all advance the cause which the hon. and learned Member for Salford had at heart.

SIR H. DRUMMOND WOLFF trusted that the hon. and learned Member for Salford (Mr. Charley) would be satisfied in knowing that his opinions were not shared by other Members of the House. He thought the measure which enabled a Bishop to get acquainted with his diocese, instead of being a bad measure had tended to increase the efficiency of the Episcopal Bench. Beyond that, there was no more reason for creating more English Bishops because of the disesta-

blishment of the Irish Church, than there would be for creating more English Peers if the Home Rulers succeeded in obtaining a Parliament of their own at College Green.

#### SUPPLY.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### DEPARTMENT OF COMMERCE AND AGRICULTURE.

##### RESOLUTION.

MR. SAMPSON LLOYD, in rising to move—

"That, in the opinion of this House, it is desirable that those functions of Her Majesty's Government which especially relate to Commerce and Agriculture should be administered under the direction of a Principal Secretary of State, who shall be a member of the Cabinet, and that an humble Address be presented to Her Majesty praying that She will be graciously pleased to give effect to this Resolution,"

said, he desired it to be understood that, in the course of any remarks he might make on this subject, he had no intention of casting reflections on the present or preceding Governments. The Central Chamber of Agriculture, some weeks ago, passed a resolution desiring that the subject might be brought before the House in connection with the Chambers of Commerce, and it was in consequence of that resolution, and in accordance with the desire of 50 Chambers of Commerce, that he now ventured to bring the subject under their notice. He thought, however, that the commercial and agricultural interests of the country were so large that it required no apology on his part for acting as he had. When they recollected that the exports and imports, as regarded commerce, now exceeded £600,000,000 per annum, and that the tenants' capital employed in agriculture had been estimated at sums varying from £300,000,000 to £500,000,000, besides the home trade, which must amount to a very considerable sum, nothing more need be said to show that these were very great interests indeed, and deserved to be administered by a responsible Minister, a Member of the Cabinet. Formerly English industry was almost without a rival in the world. After the great French war terminated, and up to a few years ago, the circumstances of English industry were such

that no competition on the part of foreign nations could possibly affect them; but now, owing to free trade and the various facilities of intercourse by sea and land, the industries of this country had to contend with foreign competition, which even went so far as to press our own producers hard in the home market. Our position as a commercial nation, then, could be maintained only on condition that the Government appreciated and, as far as possible, removed the impediments which beset our commerce on all sides, and gave it that new and legitimate help and protection which consisted not in monopoly, but in securing to British capital and enterprise a fair field abroad, and in carefully considering all matters affecting its interests at home. It was, therefore, of the greatest importance that the interests of Agriculture and Commerce should be under the charge of a properly constituted Department, and that the head of that Department should be a Minister possessing equal status and influence with the other Members of the Cabinet. What he wanted to call the attention of the House to was the fact that there was no Department in the State specially charged with the duties of watching over the interests of British Commerce and Agriculture, as affected by anything that took place in other Departments of the public service. It was a popular belief that the Board of Trade fulfilled the functions of a Minister of Commerce; but that Department had neither the requisite organization nor the requisite powers to fulfil these functions. The Board of Trade might be called in some sense a mythical body. It never met at all. At the commencement of each reign an Order in Council nominated certain high officials of State as a Committee of Council for Trade and Plantations. The Archbishop of Canterbury, the Lord Chancellor, the First Lord of the Treasury, the Chancellor of the Exchequer, and other great officers of State were placed on that body, which never met, and it was obvious that it could exercise no consultative functions. Its administrative functions, however, were performed by the President and Vice President, and they were both multifarious, numerous, and of the most varied description. Amongst them were comprised the following:—the inspection of railways, the registration of designs, the registration of joint stock

*Sir H. Drummond Wolff*

companies, the relief of British subjects abroad, the granting of Royal Charters, matters relating to shipping, and the collection and distribution of deceased seamen's wages; indeed, some of its duties were inconsistent with the proper functions of a Minister of Commerce. If they turned to Agriculture, the Board of Trade did not partially, or even in pretence deal with it, and it was somewhat anomalous to find that, in another Department, the two noble Lords whose duty it was to combat the ignorance of the lower classes had also the duty devolved on them of combating the Rinderpest and Foot-and-mouth disease. There was a great want of arrangement in the various duties which devolved upon the Department, and even, however, if there were a better apportionment of the duties of the President of the Board of Trade, he was not a Member of the Cabinet, and a Minister who was not a Member of the Cabinet had not necessarily cognizance of the action taken by the other Departments; and yet that action might vitally affect commercial interests. He (Mr. Lloyd) would be amongst the first to concede that agricultural and commercial questions were not to override all others. He trusted that patriotism was as lively in the breasts of agricultural and commercial men as in that of any other class of Her Majesty's subjects. The present system needed alteration. What took place in the different Departments was not necessarily known to the Board of Trade. In 1860, for instance, Colonel Rigby made a very valuable Report on the trade of Zanzibar, and that Report was first published by another Department of the Government two years after it was received, having never been communicated to the Board of Trade at all. The Reciprocity Treaty of 1854 between Canada and the United States, although it very materially affected many important British interests, was never mentioned to the Board of Trade until it was practically concluded. The same course was adopted in the case of the first Treaty with Japan, and of the French Treaty, which was inaugurated by Richard Cobden. In fact, scarcely any question could arise in other Departments which did not have effect, direct or indirect, on trade; and the interests of Commerce and Agriculture, as he had said, could only receive due care by

being represented in the Cabinet by a Minister of equal power and authority with his Colleagues. The commercial community sometimes suffered, or thought they suffered, from the want of that watchfulness over their interests which was exercised by foreign Governments on behalf of their competitors. Sir James Emerson Tennent, in his evidence before a Select Committee which sat in 1864, said that the Treasury never consulted the Board of Trade, and yet the Treasury was the Department of the State which initiated legislation on the subject of Customs, Excise, Banking, and Currency. The India Office, also, it was stated, never consulted the Board of Trade. It appeared, therefore, that when the Committee sat in 1864, taxes might have been imposed, modified, or removed, Treaties with foreign Powers concluded, Acts of Colonial Legislatures sanctioned, banking or monetary systems altered, without the previous consent of the Minister whose duty it should be to consider those changes in relation to Commerce. Nothing was further from his intention than to suggest that the functions of a Minister of Commerce should be discharged only by a man who had sprung from the ranks of commerce. What he wished to see was a Ministry of Commerce, or whatever the office might be called, filled by a trained statesman—and, happily, such men were to be found on the front benches of both sides of the House—who should be a Member of the Cabinet, and equal in point of status, experience, responsibility, and authority to those who presided over Finance, the War Office, or the Home Office. Since 1864 the former Commercial Department of the Board of Trade had, he believed, been abolished, so that the Board of Trade was now deprived of the means it then had of exercising its functions. Thus all measures of reform connected with industry and commerce were left to the initiative of the public outside, or else to that of the heads of other Departments. No doubt these heads very sincerely desired the well-being of trade and agriculture, but they did not possess in their offices those means for obtaining a knowledge of details and appreciation of consequences of their measures which would be at the hand of a Minister of Commerce with a properly organized staff. Now, that such a Minister of

Commerce should be a Member of the Cabinet was recommended by the Committee who sat under the presidency of the right hon. Member for Bradford, and was also supported by Lord Russell, Lord Malmesbury, and Mr. Milner Gibson. Such a Minister was surely as much entitled to a place in the Cabinet as the custodian of Her Majesty's Privy Seal. The existing want of system was strikingly exemplified by the ignorance and uncertainty of the public as to which Department was responsible on commercial questions, deputations to the Government being referred in the most bewildering manner from one Department to another. He would give an instance of the uncertainty which prevailed on the matter. Suppose a deputation waited upon the Government to ask them to negotiate for the removal of a differential duty on British goods, which would raise the question of the propriety of reducing duties levied in this country on Portuguese wine. The Foreign Office would think there was something in what the deputation urged, and would refer them to the Chancellor of the Exchequer; and when they went to him he would refer them to the Inland Revenue or Customs, and then they would get to the Board of Trade; and, finally, if expenses were to be incurred, they would be referred to the Treasury. In Russia, Prussia, and France, Commerce and agriculture were specially represented in the Cabinet; and in India Commerce and Agriculture constituted two distinct Departments under one Chief Secretary. Having thus far dealt with the arguments in favour of his Resolution, he should, in the next place, briefly advert to the objections which were urged against it. The first of those objections was one which had been made by a Member of the late Ministry, who said that the French Treaty would never have been carried into effect, had it been necessary that its details should have been referred to a Minister of Commerce, and that the secrecy which was desirable could not have been observed if the Board of Trade had to be consulted. Now that remark might be fairly applicable to the Board of Trade as at present constituted; but it did not apply to the case of a country having a Minister of Commerce in the Cabinet, and equal in authority to the head of the Foreign Office. Another

objection advanced was that agricultural and commercial communities were the best judges of their own interests, and that the Government would do more harm than good by attempting to patronize them in that way. If, however, that view were carried to its logical conclusion, it would apply with equal force against much which was already done, and also against the Government taking any part in such matters at all. Those, he might add, who were constantly engaged in commerce, were too much occupied to give that attention to the various changes in our own laws, or proceedings of foreign Governments which their importance demanded. They were not, besides, always enabled to obtain in time the requisite information; and, even if they were, they had not the power to carry their wishes into effect. The exercise of Government influence, therefore, was necessary, not to supersede the action of the mercantile community, but to give it a fair field. As matters at present stood, the interests of trade were placed at a disadvantage, not from any want of zeal on the part of those connected with it, but from the difficulty of obtaining from time to time that prompt and precise information which could be obtained only by means of a well-organized and intelligent staff. It was true that there was a commercial department at the Foreign Office; but, in order to answer all exigencies, there must be one such to each of two or three other departments. It would be far better to have a separate Ministry; and, he believed that its establishment would be a practical benefit to the country as well as to agriculture. It was urged, in the third place, by persons of high authority that there was no cause for complaint under the existing system, and that Commerce and Agriculture already received much more help under the existing machinery of Government than they suffered. The evidence, however, which he had received—and a great deal more which he could quote from the same quarter—conclusively proved, he thought, that that statement, as it would not have been true previous to 1864, was not correct as applied to the state of things at the present day. He thanked the House for the indulgence with which they had heard him, and would only say—representing, as he did, all shades

*Mr. Sampson Lloyd*



of opinion amongst the agricultural and commercial classes — that they would gladly welcome a change in the direction he had indicated, from whatever Government or from whatever Party it might proceed. In conclusion, he trusted that Her Majesty's Government would consider this question; for it was to them that the country looked, now that party strife had somewhat abated, for measures of practical utility which would be accepted as evidence of their desire to promote the national welfare and prosperity. He would now move the Resolution of which he had given Notice.

MR. STORER, in seconding the Motion, said, there was a strong feeling existing among agriculturists on the subject. They believed that it would be for their interests that there should be a Department appointed to represent not only Commerce, but Agriculture also, and presided over by a Cabinet Minister. They thought if the change was made, that there would be a fair and direct representation of Agriculture in Parliament. He did not wish to cast any imputation on hon. Gentlemen who filled, or had filled, Government offices; but there was certainly a feeling in the country that when any question relating to Agriculture came on for discussion in the House it was most likely to be shelved. In proof of that, he need only point to the great difficulty which there was in obtaining any information as to the state of affairs on any agricultural question. The various questions were under so many different Departments that it was almost impossible to get any satisfactory answer, and a person was frequently referred from Department to Department, and sometimes even the Departments themselves did not know whether a particular matter came within their Department or not. He would also point out it was a very unsatisfactory arrangement that the management of cattle and the education of the country should be placed together in one Department. To that he thought was owing the fact that there was no adequate supervision of the traffic in cattle and other live stock, and in connection with the subject he would refer to the Report which had been issued to hon. Members from Mr. Holmes of the Veterinary Department of the Privy Council, who had been sent down to Deptford to attend a

ship on board of which it was said that some animals had been treated with cruelty. Mr. Holmes had been sent down in consequence of a letter in *The Times* from Captain Stanley; but the incidental part of it was, that the gentleman reported that the cattle exhibited no indications of having received ill-treatment, but, on the other hand, were in a better condition than most of the cattle landed at Deptford—adding quite innocently, that those affected with foot-and-mouth disease, 34 in number, only had it very slightly. But out of 119 cattle 34 were affected with the disease, in this one ship; and this one of the best cargoes he had seen for some time! what must the worst have been? In the face of facts like these it was not much to be wondered at that agriculturists of this country should ask for the appointment of a Minister, nor that the country was inundated with cattle disease, and that the traders who relied for a living upon feeding and grazing were annually losing large sums of money through no fault of their own. He had lately seen a letter in the papers from the hon. Member for Aberdeenshire—a high authority on such matters—in which he estimated his own losses from foot-and-mouth disease alone at £2 per head; other farmers would give similar testimony. How great then must be the loss not only to the farmer but to the consuming public? This was the way things were now managed at home, but things were managed very differently abroad. He found that in Copenhagen, not much more than a month ago, the Minister of the Interior ordered that, in consequence of the prevalence of foot-and-mouth disease in Great Britain all cattle, sheep, goats, and pigs, imported therefrom should be kept isolated during three weeks at the cost of their owners and then submitted to veterinary examination before being handed over to their owners for disposal. In France, Germany, Hungary, Austria, and in the United States, and even in our own dependencies in India, there was a Minister clothed with the functions which would attach to a Minister of Agriculture in this country, and up to 1816 there had been a Board of Agriculture in this country, and to that board, in the year 1804, the celebrated Arthur Young was secretary. But somehow or other it had lapsed, and

there was now no such body in existence, and he, for one, had failed to discover why it was discontinued. If it was that agriculture, by reason of the existence of protection, had at that time reached a state of prosperity which rendered legislative care no longer necessary the present was a period at which such care might advantageously be resumed, for the agricultural interest was now far from being prosperous. In some respects it was suffering from want of legislation, and in others it was over-legislated for—both circumstances being due to the fact that no one central Department was responsible for matters affecting agricultural interests. Farmers not only had natural difficulties to contend with, but difficulties arising from legislation, by which they were prevented from obtaining a sufficient supply of children for agricultural purposes. Besides that they were overburdened with local taxation, and had been saddled with still further expenses by the operation of the Education Act which had been passed by the right hon. Gentleman the Member for Bradford. By that Act children were no longer allowed to be employed in agriculture, except under great difficulties; but were being educated for the benefit of the towns. The agricultural interest had borne many privations, although they were the last to desire a change in the existing institutions of the country. But the Returns issued showed how greatly the agricultural population both in England and Scotland was decreasing, and no wonder a difficulty was experienced in obtaining soldiers or recruits for the Militia or police, for a large number of agricultural labourers were now emigrating to the towns, from which they went abroad, or were so spoilt there that they never returned as agricultural labourers. In conclusion, he would say it should not be lost sight of that the agriculturists had in their hands the representation of the counties of England; but although that was the case, he was sure that they would never use that power but for legitimate purposes, and, therefore, they were entitled to every consideration in regard to the subject under notice at the hands of Her Majesty's Government, seeing their claim was simply fair and reasonable.

*Mr. Storer*

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable that those functions of Her Majesty's Government which especially relate to Commerce and Agriculture should be administered under the direction of a Principal Secretary of State, who shall be a member of the Cabinet; and that an humble Address be presented to Her Majesty praying that She will be graciously pleased to give effect to this Resolution,"—(*Mr. Sampson Lloyd*.)

—instead thereof.

THE CHANCELLOR OF THE EXCHEQUER: I am sure, Sir, there will be but one feeling amongst hon. Members on both sides of the House as to the importance of the two great interests represented by those who have brought forward this Resolution this evening; and it is quite certain that if at any time questions are brought forward affecting the commercial or the agricultural interests, those questions will receive the attention and respectful consideration of any Government, from whatever Party it may be formed. But with regard to the particular Motion which my hon. Friend the Member for Plymouth (*Mr. S. Lloyd*) has submitted to the House, I would venture to make one or two remarks. I wish, however, in the first place, to deal with the question of the importance of having a special Department charged with directly looking after the interests of Agriculture and Commerce. My hon. Friend the Member for South Nottinghamshire (*Mr. Storer*) remarked just now that there was a Department of Agriculture up to the year 1816, and the hon. Member for Plymouth told us, in some detail, how a number of years ago there was a Commercial Department of the Board of Trade, which has now been given up, the duties of which, in fact, have been transferred to the Foreign Office. Now, I would ask my hon. Friends what is the natural inference to be drawn from these facts? There were certain Departments charged with those very duties which you now say are so important, and how is it that they have lost the functions assigned to them? Is it not, in fact, because it was found that the work gradually left them? Now I contend that you cannot by any artificial re-distribution restore that which in the nature of things was passed away from Government. It is, in fact, like the case of a shopkeeper who finds that his busi-

ness is leaving him, and who feels that he cannot have recourse to any artificial stimulus to restore what in the nature of things is fading away. I do not remember, and I do not know that I have ever paid particular attention to, the circumstances under which the Department of Agriculture was given up. I believe it was attached at one time to the Board of Trade, and no doubt there were very good reasons for the abandonment of that arrangement. But I do remember very distinctly, and I have for many years had occasion to know, what the course of business has been at the Board of Trade. I have myself witnessed a great many of the changes which have occurred in the commercial business of that Department. I remember very well when I was first introduced to the Board of Trade in 1842, that a great deal of business was done of the kind to which my hon. Friend the Member for Plymouth now seems principally to attach importance—that is to say, foreign business. A great deal of correspondence was carried on between the Board of Trade and other Departments with regard to treaties, legislation on commercial subjects, and other matters affecting the commercial interests of the country. But by degrees, as the system of reciprocity dwindled away before the spread of Free Trade ideas, as the Navigation Laws were repealed, and as complicated differential duties were abolished, the greater part of the commercial business left the Board of Trade of itself, and at the same time a process of a different kind began to take effect. A number of matters requiring careful administrative interference, such as the Railway system and the Mercantile Marine, came under the notice of the Government, and were handed over to the Board of Trade, which thus became a large and influential administrative Department. Whilst the change I have referred to was taking place there was no doubt still a Commercial Department at the Board of Trade keeping up correspondence with other offices—preaching to them sound doctrine upon a great many commercial matters. But, as my hon. Friend the Member for Plymouth has pointed out, and as the evidence taken before the Committee of 1864 shows, the business of the Board of Trade in that respect became less and less important—

less and less efficacious—the Board of Trade having a large amount of important administrative duties to perform, and the great principles of commercial legislation and of the relations between England and foreign countries having assumed an entirely new aspect, and it in time became obvious that its commercial business, so to speak, had passed away from it. No doubt commercial questions, such as the duties on Portuguese wines, still arise which require to be dealt with; and under the former state of affairs those who were interested in the matter would have gone to the Board of Trade and laid their case before it. In that case the Board would have corresponded with other Departments; but, after all, it would have simply come to this—that in a matter of that kind there are two Departments whose action must be and would at any time have been supreme. The one is the Foreign Office, which would have to carry on the correspondence with foreign countries; and the other is the Treasury, in whose hands are deposited the fiscal interests of this country. It would even, under the old arrangement, have been impossible to entertain any question for altering the duties on Portuguese wines without having first obtained the approval and co-operation both of the Foreign Office and of the Treasury. The intervention of the Board of Trade would, therefore, really be of very little use in such a case, for it would be able to do little or nothing beyond what those directly interested in the question would be able themselves to achieve. Well, my hon. Friend says that the Minister at the head of the Department which has to deal with Commerce ought to be in the Cabinet, in order to strengthen his influence. Now there are many considerations which determine the number of Members who ought to form the Cabinet, and the particular Departments which, at one time or another, it may be desirable to have represented in the Cabinet. It is impossible that the head of every Department should be in the Cabinet without increasing the number of the Cabinet to a very inconvenient extent. At one time, it may be both convenient and desirable to have the Minister of Commerce in the Cabinet; at another time, the Minister of Education; at another time, the head of the

Local Government Department, or the Chief Secretary for Ireland, and so on. No fixed rule, in fact, can be laid down for the number of those who should form the Cabinet at any particular period, as the exigencies of different times vary. But if it is of so much importance that the Minister of Commerce should be in the Cabinet, I would ask my hon. Friend what was the state of matters when the changes to which he has referred were made? Why, most of those changes occurred when the President of the Board of Trade was a Cabinet Minister, and it was with his concurrence that they were made. Therefore, it is not merely the fact of there being a Minister of Commerce in the Cabinet that would secure what my hon. Friend seems to desire. In these matters you ought not to be continually altering your machinery. You ought to devise and settle your policy, and then adapt your machinery to it. That is the only sound principle on which to go. Now, I am at a loss to conceive, from the speeches of my hon. Friends, what policy they recommend in this matter. Are we to rearrange the work of all the Departments which may be affected? My hon. Friend speaks of the foreign side of the Ministry of Commerce; but surely he would not say that the Minister of Commerce whom he asks for ought not to attend to a large number of home matters also which are connected with commerce but which are now dealt with by the Home Department, the Local Government Board, and the Board of Trade. The proposed Ministry, in fact, could not be formed without interfering with the duties of other Departments, and who is to say what duties belong properly to one Department and what to another? You would find that the establishment of a new Minister would be of no use, unless you laid down very clearly and distinctly what were to be the precise nature and extent of his duties. You cannot divide those duties so easily as you imagine. You must remember that these things run one into another. Many questions must, by their very nature, come sometimes under the consideration of one Department and sometimes under another. Therefore, though this matter has been before Parliament many times, though it has been investigated by Select Committees, yet no decision has been arrived at, and

I think it would be unwise of the House by adopting the present Resolution to pledge itself to a matter of which there is no denying the importance, but the exact outcome of which it is extremely difficult to foresee. I am afraid, therefore, it is not in the power of the Government to assent to the Motion, and I hope that the House will not allow itself to be led into what would really be the pursuit of a shadow, unless a more distinct plan be laid before it than the one now submitted by my hon. Friends.

MR. W. E. FORSTER said, that many of his constituents, and several of the Chambers of Commerce in the North of England with whom he had been brought in contact, took a deep interest in the subject which had been brought forward by the hon. Member for Plymouth, and he should on that account make a few observations upon it. He had himself given the question much consideration, having been Chairman of the Committee which sat in the year 1854, and he confessed he was still of opinion, and it was the unanimous conviction of the Committee, that there should be some good reason why the President of the Board of Trade should not be a member of the Cabinet. He, however, hoped right hon. Gentlemen opposite would not suppose he was making any charge against them for not making the President of the Board of Trade a Cabinet Minister. He was fully aware that there might be very good reasons for wishing to have a small Cabinet; but one of the advantages which would arise from having the question discussed was, that it might fairly lead to a consideration of it with a view to the future arrangement of Government business with regard to the management of the different Departments. The right hon. Gentleman the Chancellor of the Exchequer said that we had much less to do now with tariffs with foreign countries than we used to have. That was true enough; but we were still constantly and seriously affected by the tariffs of foreign countries; and although this country was devoted to the principles of Free Trade, that did not imply that it was not the duty of the Government constantly to watch what other countries were doing, with a view, if possible, to secure an increase of our trade with foreign States. What commercial men

felt was this—that, speaking generally, their interests might suffer from the fact that there was not in the consulting body of the Cabinet some Member who would specially represent their interests. “When matters of home policy,” they said, “matters of finance, of foreign negotiations, of Indian policy, were brought before the Government, we think that the commercial interests of Great Britain ought to be represented in the Cabinet; and there should be somebody to whom commercial men could go and say we must not be forgotten when those matters are under consideration.” He could not help thinking that that was a just and reasonable feeling to a certain extent; and without at all saying that his right hon. Friend the President of the Board of Trade had less influence than he would have if he were in the Cabinet, he still thought that commercial men had reason for the strong protest which they made against the existing state of things. The words of the Resolution, however, when he came to consider them, went further than the House, he thought, would be at present willing to go, but as to one part of it there would be little difference of opinion—namely, that the Government business connected with Agriculture ought to be placed in the hands of the Minister who had charge of the Government business connected with Commerce. He could not help thinking that would be a wise change, whenever a Government had time to consider the subject of changes at all. Why should not all questions relating to cattle, for example, be taken from the Education Office and handed over to the Board of Trade, to which Department they naturally belonged, and where they would probably be better attended to? The same permanent staff could manage the business of both those branches. Or if they were to have a Minister of Agriculture, it would be far better that he should be Minister of Commerce also. The right hon. Gentleman the Chancellor of the Exchequer said that it would not be well to increase over much the number of the Cabinet, and in that expression of opinion he concurred; but the fact should not be lost sight of that, in a general way, one or two Members of the Cabinet had hardly any official business to conduct. If it was desirable

to keep down the numbers of a Cabinet, it was easy to see that the duties of a Minister of Commerce and Agriculture would be onerous, while the duties of a Lord Privy Seal, for instance, were not great. He thought the same remark would also apply to the President of the Council, although at the present moment he undertook agricultural work in regard to the cattle disease. He would further remark that he concurred with the Chancellor of the Exchequer in the opinion that no disadvantage to the commercial community had arisen from the abolition of what might be called the Foreign Department of the Board of Trade, for the investigation of the Committee to which he had referred left upon his mind the strong impression that the Foreign Office must conduct all negotiations with foreign States. There could not be two sets of negotiators representing the Government of this country, and commercial men ought not to have to go to the Board of Trade to make representations in order that that Department should communicate those representations to the Foreign Office. They ought to go direct to the Minister who had to do the work, and who would be more likely to do it well if he felt that the full responsibility rested upon him. The Minister of Commerce ought not to be a kind of adviser to the Foreign Office, but that did not remove the necessity of having the interests of Commerce and Agriculture represented by a Minister who should be a Member of the Cabinet.

MR. MARK STEWART gathered from the statement of the Chancellor of the Exchequer that he thought the present state of affairs sufficiently satisfactory, and that really no change was required; but it must be admitted, not only from what they had heard that night, but from the meetings which had lately been held both north and south of the Tweed, that among those who were interested in agriculture a very strong and earnest feeling prevailed on the subject which his hon. and learned Friend had brought under the consideration of the House. It was not that the Board of Trade did not give heed to subjects which were laid before it; it was not that the Vice President of the Council was not ready to act upon suggestions which were made to him, but it was because agriculturists generally thought that their interests were not sufficiently



considered, or, at all events, were not sufficiently made known. Two points suggested themselves to his mind which he thought would go far to prove what he said. Last Session, for example, there was a short discussion in that House upon the subject of the very great evils arising from the existence of pleuro-pneumonia in Ireland. Having been a sufferer on his own farm from that disease, or a disease very like it, among his cattle, he felt the great importance of having a Minister in the Cabinet who would take into consideration the serious charge which had been over and over again made in respect of Ireland—that the stamping-out of that fatal disease had not been enforced, and that it was being propagated in England and Scotland because the Order on the subject was not put in force. He only rose to say that—speaking from his own knowledge—though as regarded Commerce he was quite ready to take his views from the Chancellor of the Exchequer—it was the earnest wish of agriculturists that there should be some recognized Member of the Government in the Cabinet to consider questions affecting Agriculture. Reference had been made in the debate to the population of rural towns, and he thought that, for instance, was a subject which should come under the surveillance of such a Member of the Cabinet. Considering the enormous mass of capital now sunk in the land, it would be very important that the Government should, if not this, in some future Session deal with the matter:

MR. DISRAELI: Sir, my hon. and learned Friend the Member for Plymouth (Mr. S. Lloyd) has brought forward a subject which both sides of the House acknowledge to be important and interesting; but, at the same time, I may remind my hon. and learned Friend that it is not now brought under our consideration for the first time. It has occupied the attention of the House and of Committees, and, at various periods, the distribution of duties among the Public Offices has been considered by some of the most eminent Members of Parliament. We must always remember, Sir, that we are dealing with the official hierarchy of an ancient kingdom, and that when we fix upon some particular office and judge from its name that it should be devoted to particular duties, we may really deceive ourselves by being

precisely accurate. You may have an office called the Board of Trade which has been so called for many generations, and yet the control or attention to details of trade may become obsolete as far as that office is concerned. On the other hand, duties may have been transferred to that office which have arisen from circumstances attending modern civilization, and which it may admirably perform, though the office still retains its ancient title "Board of Trade." That is remarkably the case in the instance of the particular office in question; because, no doubt, a great amount of the duties of the Board of Trade can hardly be classed under the names of Trade or Commerce, and yet they are duties which deeply interest the people of this country, and are efficiently performed by that office. If, again, we consider what are the real commercial interests with which the Ministry as at present constituted in this country should interfere, I think it will be seen that they are such commercial interests as would call for the interference of the Foreign Office. In 99 out of 100 commercial interests which call for—and which, indeed, may be said have a right to demand—the attention of the Government—the intervention of the Foreign Office is required. My hon. Friend the Member for South Nottinghamshire (Mr. Storer) has evinced a great desire that the interests of Agriculture should be represented in the Cabinet. I think more than one of my hon. Friends have impressed upon the House that the ravages of pleuro-pneumonia might probably have been stayed or diminished if there had been a Cabinet Minister to attend to the interests of Agriculture; but the fact is there has been a Cabinet Minister all this time attending to those interests as connected with pleuro-pneumonia, and not only is he a Cabinet Minister, but he happens to be a very distinguished practical farmer. Therefore, it does not appear to me that the point can be substantiated. If a Government lasts for any considerable period we may practically say there is no time when the distribution of the duties among the various offices of the Government does not occupy some part of their attention. I and my right hon. Friend the Chancellor of the Exchequer last year had many conferences on that subject, and I recollect it was suggested that the duties of

some of the offices that were over-burdened should be transferred to that of the Lord Privy Seal. I am not at all clear that such an arrangement might not be made, and I entirely agree with the remarks of the right hon. Gentleman opposite (Mr. W. E. Forster) that the Lord President of the Council has now so much to attend to, that if a convenient arrangement could be made to give protection to agricultural interests against foreign plagues and pestilences, in the form of pleuro-pneumonia and other diseases, that question should not be lost sight of. But, at the same time, what the House should guard against, is rashly creating new offices. In my opinion, the administrative body of this country is sufficiently strong and competent to discharge all the duties of the State; but there is no doubt that some re-distribution might occasionally be made in the public offices of the country, which would render the fulfilment of their duties more efficient. At the same time, I must say, with regard to the Lord Privy Seal, it is a great mistake to suppose that he has nothing to do because very little is performed in his mere office. Whenever there is a difficult business which a Minister finds it impossible for him to attend to individually, through the great pressure of affairs in his office, the first person thought of is the Lord Privy Seal, and we find in practice the Lord Privy Seal is not that indolent monstrosity which is imagined. I can hardly think that my hon. Friend will ask the House for a division upon this question. He was quite right in bringing it forward: and there is not the slightest doubt that the subject of the re-distribution of official duties is one which must always engage the attention of the Government. There have been in my time many changes in all Departments, and all of them, I think, were improvements. In no Department has there been more changes than in the Board of Trade itself; but they have been rendered necessary by the great diversity of circumstances in our present national life and the new wants of the progressive civilization of this country. More changes are going on in the public offices than is generally supposed, and I believe that those changes, being effected from a sense of their necessity, are meeting the difficulties and deficiencies which inevitably

must occasionally be discovered in the system of administration, more completely than the House perhaps imagines. The observations which have been made to-night will not be lost sight of by the Government. They will encourage us in our efforts to improve some branches of our administration, and I trust it will be found that by availing ourselves of some of the suggestions which have been thrown out, and others which have occurred to us from our experience, we may in any alterations which we may make render the administration of this country more effective.

MR. WHITWELL said, he quite agreed with the right hon. Gentleman the Chancellor of the Exchequer, when he said that the Board of Trade had become so overlaid with business that the trade and commerce of the country had been lost sight of. If we had a Foreign Secretary or Under Secretary connected with Trade, the commercial interests might find their affairs properly managed; but there was only a very small section of the Foreign Office to whom they could go with their representations, and instead of strengthening that Department, it would be much better to appoint a Minister of Commerce and Agriculture. When they considered that many of their foreign Commercial Treaties would within the next two years have to be re-arranged, they could not exaggerate the great importance of the subject, and he wished the Government to understand that there was a strong body in that House, composed of Members from both sides, who believed that sooner or later there must be a Minister in the Cabinet to superintend the interests of Commerce and Agriculture.

Question, "That the words proposed to be left out stand part of the Question," put, and agreed to.

#### METROPOLIS—THE LONDON THEATRES —PROVISION IN CASE OF FIRE.

##### OBSERVATIONS.

SIR WILLIAM FRASER, in rising to call attention to the inadequate provision for the safety of the public in case of fire in the London Theatres, said, that in 1866 it was calculated that there were 60,000 persons in the London theatres every evening, and 200,000 persons in other places of amusement; and those

numbers must now have greatly increased. All the evidence on this subject showed that the means of exit in case of panic or fire were insufficient. A Select Committee, known as "Mr. Ayrton's Committee," sat in 1866, but it took evidence principally in regard to the question whether the licensing power of the Lord Chamberlain or that of the Middlesex magistrates should be united under one person or not. Into that question, which still remained unsettled, he did not intend to enter. At present the theatres were licensed by the Lord Chamberlain, who had a small staff under his direction, while the places of amusement were licensed by the Middlesex magistrates in Quarter Sessions. With regard to the risk of fire, many theatres had been burnt down, and it was said that there was a regular rotation in the order of their burning; unfortunately science had not advanced so far as to show on what particular evening a theatre would be burnt. Still, persons experienced in fire insurance would point out the probabilities of particular theatres being burnt at a certain time. It appeared that shortly before Covent Garden Theatre was last burnt down, a wish was expressed to increase the insurance. The agent, however, declined, observing—"Very shortly your turn will come; and then down you will go." From the evidence of Mr. Donne, given before Mr. Ayrton's Committee, it seemed that the rules of the Lord Chamberlain's office as to exits and entrances were strict, and that the Lord Chamberlain had the power of taking precautions that the places of exit were wide enough to secure the safety of the audience in case of fire. It was doubtful, however, whether the staff at the Lord Chamberlain's disposal was sufficient; and whether the circumstances under which those powers were exercised were calculated to secure the safety of the public in case either of fire or panic. He wished also to ask a question relating to the employment and payment of the police in the theatres and other places of amusement in the metropolis. From a Return issued that day he learned that the lessees of theatres had paid the police £1,571 5s. 1d; and the question arose whether they were there in the interest of the public or in that of the managers, with the latter of whom they must necessarily be on friendly terms.

*Sir William Fraser*

If the police were placed there for the protection of the public, he thought the responsibility in case of fire or panic ought to rest upon them. No one wished to interfere with the emoluments of actors, a harmless, unobtrusive, and hard-working race, but the interests of the public should be considered; and he thought that, considering the enormous profits now accruing to theatrical proprietors, the present was an opportune time for bringing the subject forward.

MR. ASSHETON CROSS said, no one could find fault with the hon. and gallant Member for bringing forward that subject, which was one of great public interest and importance. He wished he could state positively that there was no danger of fire in any of our theatres, but that it would be difficult to do, because many of these theatres had been built a long time ago, and could not have the benefit of all the most improved modern arrangements. At the same time, he was bound to say great care was taken by the authority in whose hands all power in this respect was vested, and that was, not the Secretary of State, but the Lord Chamberlain. That functionary informed him that theatres were the only buildings that were liable to supervision in that respect; and there were no doubt other places where people congregated in which they were exposed to greater danger than they were in theatres. The Lord Chamberlain said of theatres—

"They are regularly inspected by the Lord Chamberlain's officers, with a competent architect, who report that there is not now a theatre in London which could not be cleared in a very few minutes; that there are none in which there are not separate and distinct exits from boxes, pit, and gallery; that, with very few exceptions, there are double means of exit from each of these separate portions of the house, so that if one were blocked the other could be used in case of danger; that the doors are all made to open outwards, to swing both ways, or to fasten back; and that the greatest precautions are taken to prevent fire, and to extinguish it at once if it arises, by water supply, hose, &c."

If any theatres were to be rebuilt, it would be wise to borrow one improvement from abroad, and that would be to make any passage in which two passages were united as wide, or nearly as wide, as the two separate passages together, for a block was generally due to the meeting of streams of persons in one corridor. In any future re-constructions he hoped this point would be attended

to by architects. He was sorry the Chairman of the Metropolitan Board was not present to speak for the Metropolitan Fire Brigade, but he had spoken to the hon. and gallant Member, who would be glad to learn on the part of the Board if anything more could be done to promote the safety of the public. With regard to the question relating to the employment and payment of police in theatres and other places of amusement in the metropolis, they were in most cases specially employed at the request of the lessees, who paid for their services. Those services were these—The police regulated the admission of the public and the preservation of order during the performance, and they assisted the manager or his servants in ejecting any riotous or disorderly person. The police did not interfere with, nor were they in any way responsible for the arrangements made for the prevention of fire. When necessary, the police on ordinary duty regulated the carriage traffic at all theatres. He held in his hand a copy of the General Police Orders on the subject of theatres. He was not aware that any complaints had been made of the way in which the police had performed their duty at the theatres; but if any such complaints were made he would see that they were properly attended to. He believed that, so far, the police had performed their duty effectually without causing unnecessary inconvenience or annoyance. If there was any theatre to which special attention should be directed, or of which complaint could be made, he would do his best to see that attention was paid to any representations that reached him.

CRIMINAL LAW—THE COSTS OF PROSECUTIONS—TREASURY MINUTES.

OBSERVATIONS.

MR. GORST, in rising to call attention to the disallowances enforced by the Treasury in respect of the costs of Criminal Prosecutions, said, the Treasury Minute of the 29th January last, which was intended to remove the grievances of local ratepayers, had introduced another grievance; and if it had been in order at that stage, he would have submitted a Motion embodying his contention that the whole of the prosecutions in England ought to be defrayed out

of monies provided as heretofore by Parliament without those deductions which had of late years been, as he maintained, improperly made therefrom. He very much regretted that the Forms of the House would not permit him to move his Resolution, because he believed it would have met with general acceptance. Practically, it was identical with one which was moved by the hon. Baronet the Member for South Devon (Sir Massey Lopes), and which was on that occasion supported by the present Prime Minister and the present Home Secretary. The state of things of which he complained was neither fair to the ratepayers nor conducive to the due administration of justice. The grievance of the ratepayers was this—that whereas it had been intended by Parliament and admitted by the Government of the country that all the costs of the prosecution of offenders should be borne, not by the local rates, but out of the Imperial Treasury, yet, owing to what he regarded as the unlawful intervention of certain subordinate officers of the Treasury, the intentions of Parliament had been defeated and an irregular portion of the costs of these prosecutions was, contrary to the intention of Parliament, saddled on the local ratepayers. Since 1846 the intention of Parliament in the matter had been considered quite clear—namely, to relieve the ratepayers of counties and boroughs entirely from the costs of those prosecutions, and accordingly the costs were taxed by the proper officers in various Courts of Justice in the manner provided for by law, and when the order of the Court was made it was compulsory that it should be obeyed. The costs being paid the Bills were taken to the Treasury, whose duty it then became, after satisfying themselves that the money had been paid, to refund the money paid in the first instance. That intention was defeated by the interference of the Department of Examiners of the Criminal Law Accounts, who, under the provisions of no Act of Parliament, but merely under the directions of the Government of the day, reviewed the taxation of the proper taxing officers and made deductions, which they called their schedule of disallowances, knocking off a shilling here, and sixpence there, and thus saddling the sums disallowed upon the counties and boroughs. The County of Lancaster appealed to the

Court of Queen's Bench in 1871 against this state of things, when Sir Robert Collier advised that the Treasury disallowances were totally indefensible. Next year, Lancashire, West Yorkshire, and other counties came to the Court, which unanimously disapproved the allowances, while holding that it had no jurisdiction over the Treasury, and expressed the opinion that the conduct of the Treasury was illegal, and a violation of the Appropriation Act. When this subject was brought under the consideration of the House there was a long debate but no division. Why? Because no one ventured to dispute the facts alleged or the conclusions arrived at by the hon. Baronet. Mr. Bruce and Mr. Winterbotham had nothing to say in defence of the Home Office or the Treasury; Mr. Cross supported the hon. Baronet in an able speech; Mr. Henley characterized the proceeding as a piece of robbery and swindling—nobody contradicted him; the present Prime Minister twitted the Chancellor of the Exchequer because he had not ventured to show himself; and finally, Mr. Baxter promised that the subject should receive the immediate consideration of the Government. The whole proceeding was admitted to be indefensible, and therefore the hon. Baronet withdrew the Motion. That was the way in which the grievance had been treated by the House of Commons, and yet, though denounced by all these high authorities, it had survived in full vigour till January this year. The Treasury Minute dealing with the subject was dated the 29th of January, and no doubt the intention was very fair. But there were several serious objections to it. The first blunder in connection with the Minute to which he would direct attention was, the strange assumption on which it proceeded that all the disallowances made in past years were lawful and proper. Nobody who read the Minute would suppose that these disallowances had been denounced by the Members of the very Government who agreed to the Minute. He should like to give the House one or two specimens of the disallowances which the Treasury were in the habit of making in the cost of prosecutions. In January, 1874, a case occurred at the Quarter Sessions for the county of Lancaster, held in the town of Lancaster. The Chairman of Quarter

Sessions expressly ordered that a witness resident in London should be summoned by a Crown Office subpoena. It was served at a cost of £1 1s. 5d. That sum was disallowed, and the Chairman of the Quarter Sessions was Richard Assheton Cross, the present Home Secretary. Since 1872 the Treasury had invariably disallowed the costs of a warder attending the trial of a previously convicted criminal unless the prisoner pleaded "Not Guilty;" but the prisoner generally pleaded "Guilty" to a previous indictment, because he saw before him the familiar face of the warder under whom he had served, and the Treasury took upon itself, contrary to law, to disallow the costs of the warder's attendance, and imposed the burden on the ratepayers of counties and boroughs. The Treasury was also in the habit of deducting small sums of 3d. and 1s. from the railway fares of witnesses, and when complaint was made the Treasury expressed surprise that gentlemen troubled themselves with items of such small amount. The fees payable when prisoners were remanded were disallowed, although it was declared by the Court of Queen's Bench that such disallowances were improper. In one case an indictment had been specially ordered by the Judge of Assize to be prepared by counsel, and the fees were disallowed. In a case in the county of Kent the Treasury had disallowed 16s. charged for a fly to convey a Justice when snow was on the ground to take the deposition of a dying man. In another recent case which occurred at the Liverpool Assizes a man was convicted for felony. After his conviction it was found he was possessed of £33, and an order of Court was made on the testimony of a witness from Blackburn that the money should be applied to pay the costs of the prosecution. The Treasury took the £33, and disallowed the expenses of the witness by whose evidence the criminal had been convicted. Another objection he took to the Minute of January last had reference to the improper and invidious distinction which it made between clerks of Assize and clerks of the peace. The effect of the Minute was, that the Treasury accepted the taxation in the case of the former, while reviewing it in the case of the latter. The Treasury refused to accept the taxation of the clerk of the



peace, because they said he was amenable to the authorities for the proper discharge of his duties; but the Chancellor of the Exchequer must have been misinformed on that point, because the clerks of the peace were officers appointed in counties by the Lords Lieutenant, who certainly did not represent the ratepayers. His next objection was that under the Minute, the Treasury proposed to strike an average of the costs for prosecutions for the last three years, and to pay at the rate allowed, which would, in fact, make perpetual the illegal transactions of the last three years. The cost of prosecutions at Quarter Sessions was an increasing amount for two reasons—first, because the smaller cases were now disposed of summarily much more than they used to be; and, secondly, because the Court of Quarter Sessions now tried heavy and important cases, which were formerly remitted to the Assizes. He held in his hands a Return received from the county of Lancaster, which might serve as a specimen. From that Return it appeared that during the three years preceding 1874 the costs of prosecutions at the Assizes were £7,582, while the costs of prosecutions at the Quarter Sessions for the same period were no less than £25,683. The average number of prosecutions was 2,726, so that the average cost of each was £9 8s. 6d. But, the number of prosecutions during the half-year, ending December 31, 1874—when the new system had come into operation—was 568, and the amount of the county claim was £5,585, showing an average of £9 16s. 8d., so that the costs of each prosecution had increased by 8s., or a little more. If the Treasury made the average deductions from the amount claimed they would reduce it by £16 10s.; but, according to the new scheme of the Chancellor of the Exchequer, the claim would be reduced by £234. Therefore, the new scheme would have the effect the first half-year—he would not say, as the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had said—of “robbing,” but of depriving the ratepayers of the county of Lancaster of £218. In the borough of Liverpool the same process would deprive the ratepayers of nearly £200 upon the half-year, and he had no doubt it would be found that the ratepayers of every borough and county in England would be deprived of large sums in a

similar manner. Another thing to be remarked was the insidious intentions which it was apparent the Treasury had for the future. The examiners of criminal law costs were not to be abolished. There was still to be an examination of bills from Assizes and Quarter Sessions, not with a view to making deductions, but with a view to a possible revision of the matter at the end of three years, at which time he had no doubt we should have a very great reduction. Now, there were two reasons why the Treasury Minute ought not to be persevered in. The first was, that, according to the Judges of the land, the practice which this Minute proposed to establish was illegal; and Parliament was not going to pass an Act which would prevent the ratepayers from being re-imbursed to the full amount of the costs. The second reason was that the practical effect of the Minute on the administration of justice would be very injurious; because, under the pretence of removing a grievance, it would really aggravate it. The Minute also would have this effect—that the Justices would cease to remit all the heavier cases to be tried at Quarter Sessions, and the Assizes would be overburdened with work. Suppose the Justices had a case brought before them, the probable costs of which would be £80, while only £9 10s. would be allowed by the Treasury, they would send it to the Assizes, because then the whole of the costs would be paid by the Treasury. In conclusion, he wished to be allowed to point the moral of this matter, because though in itself trifling, it was important as involving a great question of principle. Here was an abuse condemned by the Judges, by the Attorney General or the Solicitor General of the day, in defence of which no one would lift up his voice in the House of Commons, and which the Government, three or four years ago, promised should be immediately attended to. In the month of January, however, it appeared not only that the old grievances had been retained, but that fresh ones of the very worst kind had been introduced; and that circumstance showed how very little control the House of Commons, or the Ministers of the Crown, had over the persons who regulated these matters.

THE CHANCELLOR OF THE EXCHEQUER said, that his hon. Friend had made grave imputations against the

Treasury, and had used rather strong language, talking about illegal proceedings in a manner calculated to mislead the House and to divert its attention from the real position of the case. He (the Chancellor of the Exchequer) was not for a moment going to question the propriety or the authority of the expression of opinion on the part of the Judges of the land respecting this question. What he understood the Judges to have said was this—that Parliament, having appropriated a certain sum for a certain purpose, it was a wrong and not a legal proceeding on the part of the officers of the Treasury to put the construction which they did put upon the vote of Parliament, or to make any deduction from the costs when they had been taxed by the proper authorities. Upon that opinion, he could understand that it might be contended that what was done down to 1874 was illegal; that the Treasury might, strictly speaking, have been guilty of some breach of law in making the deductions. But, however that might have been before 1874, it must be borne in mind that the matter was one in which the House of Commons had it in its power to give or withhold what it thought right from year to year; and what was now in question was not whether the deductions which the Treasury had made in former years were or not strictly legal; but what was to be the principle upon which grants were to be made for the future? Would the House or his hon. Friend admit the principle that Parliament should make payments in respect of expenses of this kind without submitting them to any audit or examination at all? Usually, when Parliament made a grant for a specific purpose, it took care, through the agency of the proper officer, that the money was applied to the purpose for which it was voted and to no other. Now, although fault might be found with particular disallowances, the examinations referred to by his hon. Friend were in the nature of an audit undertaken on the part of the Government, acting in order to see that the grant was properly applied, in fulfilment of the intentions of Parliament. Now, was that a vexatious or merely unnecessary proceeding on the part of Parliament? The history of the matter was this. In former times Parliament granted, not the whole, but half the costs of prosecutions to the local autho-

rities; but in 1846, Sir Robert Peel thought it a reasonable boon to grant the whole instead of only a moiety. The effect was that within three or four years after, the expense of prosecutions jumped up by one-fifth. Was it not obvious, therefore, that less control was exercised than had previously been the case? When the Examiners were first appointed, and called upon to look into the expenditure, they undoubtedly found that very considerable laxity and abuse existed. The course taken, therefore, whether strictly legal or not in subjecting these payments to the examination of competent persons, was in itself not an unreasonable course, although he admitted there had been a good deal of vexation in some of the challenges. The system as it was worked had necessarily caused considerable annoyance; but was it proposed to throw the reins entirely upon the necks of the taxing officers, to let them charge what they pleased, and to permit them to double the authorized scale if they thought fit to do so? It could hardly be contended seriously that nobody ought to take any notice, but that the Treasury should pay whatever demand was made upon it. Did hon. Members believe that such a system would really be in the interest of the ratepayers, or that if commenced it could possibly endure? A suggestion had been thrown out in the Treasury Minute, which was in the hands of most hon. Members, and the Government intended to ask the House to vote the money this year in accordance with that suggestion. If the House granted the money on the conditions set forth in the Minute, there would be no illegality in the money being applied in the way proposed. What was illegal was that money which had been voted by Parliament without condition was subsequently made subject to a condition. If that were so, then any question of illegality should be set aside, because it only confused the matter. The point raised was one touching the whole system upon which grants were to be made in aid of local taxation. In that matter the Government were not proceeding upon niggardly principles, for it was the intention of the Government and the practice they were introducing, to assist local taxation by subventions, and liberal subventions, from the Treasury. There might be some diminution in this particular case; but, if so, it would be as a drop in the ocean, compared with

the new subventions which the Government were giving and intended to continue. If the House, however, refused to allow any system of control or to accept the principle of a gross payment, leaving a margin to be dealt with by the local authorities, the hands of the Government would be weakened in pursuing the course proposed. In the case of the police, the Treasury gave a certain portion of the money, and must necessarily see that it was properly applied. In the case of lunatics, the Government also gave a lump sum, and it was a subvention which might or might not meet the whole cost; but a margin of it had to be defrayed by the local authority, and the Government saw that the money was applied to the purpose for which it was intended. He hoped that the time might come when they would look more fully into this question, and others connected with the administration of justice; indeed, the present was only one portion of a great subject. But in all these matters they desired to take the House with them, and to proceed upon liberal principles, whilst, at the same time, they excluded waste and extravagance. He failed to gather from what his hon. Friend had told them what it was that he wished them to do, unless it was to abstain altogether from any audit. The Government wished to see whether in process of time the costs of prosecutions would increase, and, also, whether it would not be possible to revise the different tables of fees so as to bring about an approach to uniformity throughout the country. At present there were great variations in the scale of fees between one part of the country and another, and to produce anything like uniformity would require great consideration, and would be no easy matter to effect. He had no wish to say anything in defence of, or in mitigation of, those disallowances of the examiners, on which his hon. Friend had made such severe remarks. He knew that they had given rise to constant complaints, but he must do the examiners the justice to say that many of the disallowances had to be made over and over again, because the local authorities would continually send up their accounts with the same errors in them, and out of £5,000, about £3,000 had to be disallowed, including items which the local authorities had no justification for making on the plea of ignorance. To some extent it was true that

the charges were made at Assizes by persons over whom the local authorities had no control, and it was partially so with regard to session cases, and it was on that ground that what his hon. Friend called an invidious distinction was made between Assize and session prosecutions. He (the Chancellor of the Exchequer) could not admit that clerks of the peace stood on the same footing as clerks of Assize, and he was under the impression that until now, that greater powers of dismissal existed in the local authorities with regard to clerks of the peace than appeared to be the case; but any person who knew the relations that existed between clerks of the peace and magistrates must know that, as a rule, they had more influence over them than they had over clerks of Assize, and that they would not like to be exposing their counties time after time to losses in consequence of returns so made by them. It was a choice of difficulties. The charge had not been made for the purpose of saving a few hundred pounds, but upon a principle, and in giving a lump sum, it was done in the belief that it was equivalent to what had hitherto been paid, and given so as to avoid all those questions of dispute and get rid of that vexation and annoyance that arose between the Treasury and the local authorities, without at the same time the counties being losers by the change. If, however, it should appear to be otherwise—if the scale was fixed at too low a rate, there would always exist the power of revising it and of doing justice. He earnestly hoped that the new arrangement would be found to work satisfactorily, but if not, probably some compromise might be come to that would be satisfactory to both parties.

MR. SCOURFIELD said, he did not think, when they looked to the great wealth of England and the importance of criminal prosecutions, that the expenses of those prosecutions were at all out of proportion to what they might be reasonably expected to be. He was anxious that justice might be done without extravagance, but thought that the principle of averages was as unlike a sound principle as anything that could be devised, because it was giving to one more than he ought to have, and giving to another nothing. A strong feeling was entertained in the counties that, in consequence of the miserable economy on the part of the Treasury in the matter

of the costs of prosecutions, justice was continually being defeated. He believed the allowance to scientific witnesses was miserably inadequate; and, in conclusion, he endorsed every statement which had been made by the hon. Member for Chatham (Mr. Gorst).

MR. PAGET said, he had had some experience of the subject under consideration, having to officiate as Chairman of Quarter Sessions in the county of Somerset. Their proceedings were governed by an Order made by Sir George Grey in 1858, which was exceedingly unjust; and when they applied to the Treasury to have a more satisfactory rule instituted, the reply was, that if the Justices of Somersetshire made a special application on the subject, it would be considered, but the Order itself could not be departed from. He gave the Government credit for a desire to keep down expenditure, but the principle on which disallowances were made was wrong, and must be wrong; for how could Examiners sitting at Westminster have any knowledge of the circumstances connected with the various charges which they investigated? He contended that the whole system of audit could never prove satisfactory, unless it was an audit conducted on the spot by a properly appointed taxing officer. He gave the Chancellor of the Exchequer credit for the best intentions, but no average scale would get rid of the irritation that prevailed, or meet the views of the ratepayers, who believed that they had a legal and moral right to the return of the expenses paid by them for criminal prosecutions.

MR. PELL thought it was hardly necessary to add anything to the illustrations which had been given by his hon. Friend who had introduced the subject (Mr. Gorst), but there were circumstances which irritated not only the ratepayers of the county he had the honour to represent, but also the magistrates and officers who served under them, to which he felt it his duty to refer. In the county of Shropshire the sum allowed to attorneys by the Court of Quarter Sessions was £3 3s. The officials of the county of Leicester communicated with the Treasury on the subject, remarking that it was rather hard that £3 3s. should be allowed in Shropshire, whilst, when £2 2s. was asked for in the county of Leicester, the amount was reduced to £1 1s. In answer to that communica-

tion the Lords of the Treasury said the sum paid by the Court in Shropshire was unusually high, but that it had been fixed many years ago, and their Lordships had no power to alter that which had been the custom so long. The same principle, however, had not been observed with regard to Leicestershire, where the charge of £2 2s. had for a long period of time been customary, and he wanted to know by what authority the allowance had been reduced. He thought the Government had not made out a case for treating the costs incurred at Courts of Quarter Sessions in a different manner from those incurred at Courts of Assize. He believed that the clerks of the peace in counties were as scrupulous and as careful about the amounts they allowed for costs as they could well be, and he could not see why their work should be dealt with differently from that of the clerks of Assize. The Chancellor of the Exchequer having asked how the case was to be met, he would venture to suggest that the right course would be for the Government to take the whole cost of criminal prosecutions into their own hands, to deal with all criminal prosecutions through their own officers, and meet the expenses with respect to them, and not inflict on the ratepayers vexatious, and often heavy charges, which they had no power whatever to control. He hoped at least that the Government would re-consider the part of the Treasury Minute relating to the costs of prosecutions at Quarter Sessions.

MR. WHITWELL said, the only difficulty he felt about the Chancellor of the Exchequer's proposal was that the right hon. Gentleman had taken his data on too limited a scale, and that some counties were so small that the adoption of an average of three years would operate unfairly in their case. He would prefer if the Treasury would take those charges altogether into its own hands from the first—an arrangement which he thought would conduce to economy, and relieve Justices of the Peace from the necessity of making disallowances.

GENERAL SIR GEORGE BALFOUR said, these grants from the Consolidated Fund for criminal prosecutions commenced in 1836, and they had ever since gone on increasing in amount—a result which they might expect from all Imperial grants for local objects. The

grant was largely extended in 1846 by the late Sir Robert Peel, on condition of the charge being subjected to audit, and this check the Chancellor of the Exchequer was right in strictly enforcing. But seeing how troublesome this duty must be, and how difficult it was for a Government to enforce this right over persons who were not in the direct service of the State, he could not refrain from expressing an earnest hope that the Chancellor of the Exchequer would see his way yet to put an end to these payments by some transfer of taxes now collected for the Imperial Exchequer, but which more properly belonged to the localities, so that they might manage their own affairs, and, amongst other payments, provide for those of criminal prosecutions.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

#### SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

#### CLASS I.—PUBLIC WORKS AND BUILDINGS.

(1.) £25,707, to complete the sum for Royal Palaces.

MR. ADAM asked for some explanation with regard to the accounts in connection with the Vote under consideration? There appeared to have been some change in the course of proceeding this year in respect to the Commissioner of Works, the accounting officer being the Secretary to the Commission.

MR. W. H. SMITH replied that there had been no real alteration. The Public Accounts Committee of 1871 laid it down distinctly that a particular person should be made responsible for the accounts of each Department, and that principle had been acted upon by the late Government, by a Treasury Minute in 1873.

GENERAL SIR GEORGE BALFOUR complained of the way in which this Estimate had been presented to the Committee. In this one Estimate the principal officer under the First Commissioner had been selected to account for the expenditure, whereas in all the other Departments, either the head of the office, or a subordinate of lower position had been named as the accounting officer. It was opening a great cause of difference

to vest in the principal officer the accounting duties. It gave the party a right to exercise an independence of his chief, calculated to lead to differences; but it was gravely objectionable in a financial point of view to confide to the head executive officer the combination of duties which made him responsible for the right execution of his Chief's orders and the power of recording their results; the best means a Chief could use for seeing to the right fulfilment of orders was the financial record by a separate officer of the effect of the orders. He would also take this opportunity to urge that some explanation ought to be given as to how the lodges in the Royal Parks had been disposed of.

MR. DILLWYN thought some superior officer of the Government ought to account to the House for the manner in which the money was spent.

LORD HENRY LENNOX said, he would not enter into any details as to the motives which led his hon. Friend the Secretary of the Treasury to adopt the regulation laid down by the late Government; but in order to ease the minds of his hon. and gallant Friend opposite (Sir George Balfour) and the hon. Member for Swansea (Mr. Dillwyn), he would inform them at once, that if he were not absolutely responsible to the House of Commons for the Votes in Class I. of the Civil Service Estimates he should not now be sitting on that bench, and should not insult the Committee by proposing the Votes.

MR. DILLWYN said, that at the accession of Her Majesty, the Royal Parks and Palaces were, with few exceptions, made over to the State. In July, 1851, it was stated that a right was reserved to bestow the lodges in the Parks upon persons for distinguished services, and he would like to know whether the Duc d'Aumale occupied the lodge in Bushey Park, and also who was ranger of Greenwich Park and who occupied the lodge there, and what distinguished services those who occupied those lodges had rendered to the nation?

MR. MELLOR desired to know whether it was true that the Master of the Horse let the whole of the grazing in Bushey Park, and that the rent was a perquisite of his own?

DR. LUSH asked, whether a portion of the roadway opposite Clarence House had been taken away entirely from the



use of the public. If so, by whose authority it had been done?

LORD HENRY LENNOX replied, that Bushey Park was occupied not by the Duc d'Aumale, but by Lord Alfred Paget, Clerk-Marshall to the Queen, and a very old servant of the Crown. As to the Ranger's Lodge at Blackheath, it was now unoccupied, but Her Majesty had allowed Prince Arthur to reside there for a few months while he was discharging his military duties. The cost to the country of the maintenance of that Lodge was extremely trifling. The grazing at Bushey Park was not considered as a perquisite of the Master of the Horse, who had to pay a rental for it, and he trusted the absolute amount of the rent both at Hampton Court and Bushey would shortly be settled. The new Master of the Horse had not been anxious to give up that which the old Master of the Horse had occupied for so long a time rent free. It was, however, decided about six weeks before the present Government came into office that the Office of Works had a right to obtain the amount from the Master of the Horse. Negotiations were still pending between himself and the Earl of Bradford on the subject. He thought that there must be a wrong impression in reference to the alterations made near Clarence House, as he understood that the pavement which used to run under the alcove had simply been removed to the other side of the road. This was all that had been done. When the Duke of Edinburgh's marriage was announced, it was found that the accommodation at Clarence House was absolutely insufficient to enable him to bring his Imperial bride there. The alterations had been made exclusively at the expense of His Royal Highness, and therefore he thought they could not object to the alterations.

MR. WHITWELL asked, whether the Master of the Horse would in the new arrangements pay up the arrears of rental for the grazing of Bushey Park?

LORD HENRY LENNOX said, that that would form a very important part of the arrangement.

MR. DILLWYN said, he understood that Prince Arthur occupied the Lodge at Greenwich for more than a few months?

LORD HENRY LENNOX explained that His Royal Highness had occupied

it for two years, while he was studying his military duties.

Vote agreed to.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £92,467, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Royal Parks and Pleasure Gardens."

MR. DILLWYN moved to reduce the Vote by £2,431, on the ground that no reason had been assigned in the Estimates for an increase in that amount over and above of last year. The Parks were for the ornamentation of the metropolis, unremunerative and not required for the public service and any increase in the Estimates on account of them ought to be carefully watched.

MR. ANDERSON inquired where the Albert Road and the Longford River Parks were situated? His education had been so sadly neglected that he did not know anything about them.

LORD HENRY LENNOX, in reply, said, he hoped the Committee, after his explanation, would not think there was any necessity for a division upon the question. In these days, when the facilities for travelling were so great, the beauty of the Parks in the neighbourhood of the metropolis was frequently enjoyed by a large number of persons who resided in the country as well as by Londoners. The extra sums required this year under the Vote were for keeping the Serpentine clear of weeds, so as to prevent it from being blocked and the fish from being destroyed; for maintaining the Albert Memorial; for replacing the rotten fencing round Bushey Park; for paying the salary of an assistant to Dr. Hooker at Kew Gardens, and for planting shrubs in the neighbourhood of the lake in Victoria Park, in order to extend the facilities for bathing. He regretted that he could not inform the hon. Member for Glasgow (Mr. Anderson) where the Parks to which he referred were situated; but had the hon. Member given him Notice of his intention to make the inquiry, he would have taken care to have been furnished with full information on the subject.

MR. ANDERSON was surprised at the statement of the noble Lord. Here was a park which cost the country £1,143

a-year, and the noble Lord confessed he did not know where it was. Then there was another which cost £559, and he never tried to answer the question which had been put to him.

LORD HENRY LENNOX said, if the hon. Member noticed the innumerable number of items that were in the list, he would not be surprised at his not being able to give satisfactory answers in regard to everyone of them off-hand.

MR. DILLWYN said, that he had objected to items of increase only where no explanation was offered, and it was on that account he should press his Motion to a division. He complained of the increased expenditure for the Parks, and, though he enjoyed visiting them, he thought the growing expenditure must stop somewhere.

MR. MONK understood that the Serpentine was cleansed last year and paid for, and asked whether the sum now required was for completing the work?

LORD HENRY LENNOX said, that the money now asked for was for the rest of the Serpentine, which would be cleansed this year.

Motion made, and Question put,

"That a sum, not exceeding £90,036, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Royal Parks and Pleasure Gardens."—(*Mr. Dillwyn.*)

The Committee *divided*:—Ayes 15; Noes 53: Majority 38.

Original Question put, and *agreed to*.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £116,130, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Maintenance and Repair of Public Buildings; for providing the necessary supply of Water; for Rents of Houses hired for the temporary accommodation of Public Departments, and Charges attendant thereon."

MR. COWAN, in moving the reduction of the Vote by £500, said, his object was to call attention to a Vote of that amount which he thought should be included for the restoration of St. Giles' Cathedral, Edinburgh. He explained that the cathedral having fallen into such a state of disrepair that it was fit neither for religious services nor for the reception of Her Majesty's Commission-

ers to the General Assembly, a committee was formed, which carried out a scheme of restoration at a cost of over £4,000. The Committee was at a further expense of £1,500 for fitting up a Royal pew and other alterations, and it was understood that the Government had agreed to pay £1,000, subsequently, however, they reduced it to £500, and he was at a loss to know why they did so. For the purpose of explanation, he would move the reduction of the Vote by the sum of £500.

Motion made, and Question proposed,

"That a sum, not exceeding £115,630, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Maintenance and Repair of Public Buildings; for providing the necessary supply of Water; for Rents of Houses hired for the temporary accommodation of Public Departments, and Charges attendant thereon."—(*Mr. Cowan.*)

MR. SHAW LEFEVRE pointed out that the hon. Member was moving to reduce the Vote in respect of an item which did not this year appear in the Vote.

THE CHAIRMAN said, it was quite competent for the hon. Member to move for a reduction of the Vote; but that, at the same time, the observation of the hon. Member who had just spoken was equally to the point.

MR. COWAN said, he only wished to urge upon the Government that the contribution of £500 was too small, seeing that St. Giles's Cathedral Church contained the pew that had been occupied by the Scottish Kings, and which was still occupied by the Representatives of Royalty at the General Assemblies.

MR. W. H. SMITH said, he understood the hon. Member to move that the Vote be reduced by £500, because it was not £500 more. He need not point out that if the hon. Member succeeded in his Motion, he would not advance the object he had in view, as the Treasury would have £500 less, instead of £500 more, to dispose of. The demand made by the hon. Member had been most anxiously considered, not only by his noble Friend, who was most desirous that a further grant should be made, but by the Treasury; and they found when they had to consider the whole question that they had to deal with it in the light of the action of the past Government. His right hon. Friend opposite (Mr. Adam) sent a recommendation in 1874, to the effect

that a grant should be made towards the restoration of St. Giles' Cathedral, and in his Memorandum he stated that the sum asked was too high, and that it seemed to him £500 would be a fair and sufficient contribution. That sum had been paid, and as their Predecessors thought it a fair and sufficient contribution, the present Government did not see that they were justified in increasing it. It was right to add that the Crown was in no way responsible for the work which had been carried out. It was undertaken by the Committee, without any notice of the estimated cost, and after the work had been done an application was made to the Government to bear the cost.

MR. ADAM said, what the Secretary of the Treasury had stated was perfectly correct. The late Government were asked to contribute towards the restoration of St. Giles', the work in connection with which had been most efficiently done by the town council and subscriptions. The matter was brought before him when he was Commissioner of Works, and although he was quite of opinion that, strictly speaking, the Board of Works were not bound in any way to subscribe, still as it appeared that a very great work had been done most efficiently, and at considerable cost; and further, considering that in the cathedral there were Royal pews and pews for the Judges, he thought it would only be fair that the Government should give some subscription, and he therefore prevailed upon the Government to allow this sum, though he must say that, as a good deal of extra money had been spent, if the Treasury could see their way to a further additional subscription, he should not feel in a position to oppose them.

MR. COWAN said, he would not divide the House, but he really hoped the Government would again look into the matter.

MR. MONK asked for explanations of the increase of the item for painting and maintaining Westminster Bridge, which was £4,695, against £2,136 last year?

LORD HENRY LENNOX said, that every three years it was necessary to paint the bridge, and this was the triennial occasion on which the Vote exhibited an increase.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

*Mr. W. H. Smith*

(4.) £13,400, to complete the sum for the Furniture of Public Offices.

MR. ANDERSON thought the details of the Estimate ought to be given.

LORD HENRY LENNOX said, the Estimate included the supply of furniture as well as the general repair.

*Vote agreed to.*

(5.) £25,646, to complete the sum for the Buildings of the Houses of Parliament.

MR. MONK asked why there was an increase of £500 in the Vote for the Police for guarding the two Houses?

SIR GEORGE BOWYER objected to the principle on which the House was ventilated. The air came through the matting of the floor, and hence Members breathed the dust brought in by their boots. The air was no doubt cool in hot weather, but the coolness was produced by means of ice. Now, he did not regard it as conducive to health to breathe the air that had been forced through ice. There was no ventilation, in his opinion, so good as that produced by opening the windows.

MR. SULLIVAN bore testimony to the admirable, scientific, yet simple and most effective manner in which the House was ventilated. The atmosphere of the House was as pure as science could make it. He hoped that no one would be moved by antediluvian ideas to disturb arrangements which might be pronounced perfect.

MR. DALRYMPLE observed, that however admirable the arrangement might be, it very often failed of its effect. Last summer he found that the thermometer behind the Speaker's Chair stood at 80° at 2 o'clock in the morning.

MR. ADAM inquired when the picture by Mr. Herbert, now in progress, was likely to be finished, and what had been the result of the recent efforts made to preserve the frescoes from destruction?

LORD HENRY LENNOX, in reply to the hon. Member for Gloucester (Mr. Monk), said, last year a sum of £500 had been left out of the Estimates by mistake, and the addition of that sum to the present Estimate had therefore become necessary. With regard to the ventilation of the House, he thanked the hon. Member for Louth (Mr. Sullivan) for his prompt defence of Dr. Percy's admirable process. Nothing in

the world was absolute perfection; but anyone who attended the House during a Morning Sitting, and came down again at a quarter to 9 o'clock to find the House as fresh as if there had been no Morning Sitting, must admit that it would be difficult indeed to improve the ventilation. In answer to the questions of the right hon. Gentleman (Mr. Adam), he begged to state that Mr. Herbert's painting in the Peers' Robing Room would be completed in the course of the summer. With regard to the frescoes, his noble Friend (Lord Hardinge), and that very distinguished artist Mr. Richmond, with Mr. Ward, had been endeavouring to save those works of art from destruction. When the House broke up last Session, it was found that some portions of those frescoes were so utterly obscured that it was feared it would be impossible to restore them. A process was suggested by Mr. Richmond which was of a most simple character, and on his responsibility he allowed it to be tried. Mr. Richmond, with great public spirit, gave up the whole of his valuable time to superintend the work, and he believed the result had been pronounced on all hands an eminent success. With regard to the other frescoes, Lord Hardinge and the gentlemen he had named had undertaken to see if anything could be done to restore them; but he feared that those, especially, in the Committee Lobby were in such a deplorable condition that nothing could be done but to leave them to decay.

MR. ANDERSON asked when the house in Spring Gardens recently occupied by Sir John Lefevre would be vacated?

LORD HENRY LENNOX believed the premises would be given up in October next.

COLONEL BARTTELOT called attention to the monstrous charge—£340—for planting the gardens in Parliament Square. He would undertake to have it done for £40 or £50.

LORD HENRY LENNOX had no doubt it might have been done at a cheaper rate; but the question was, would it have been done so well? It would be a great pity not to have those beautiful beds properly planted.

*Vote agreed to.*

(6.) £19,160, to complete the sum for the New Home and Colonial Offices.

MR. WHITWELL inquired when the new offices would be occupied?

LORD HENRY LENNOX said, that on the 1st of July the Home Secretary would commence his migration from his present offices to the new buildings.

SIR GEORGE BOWYER thought the new buildings overcharged with sculpture not very well executed. He had no hesitation in saying that the new offices would have looked much handsomer without so much ornamentation.

*Vote agreed to.*

(7.) £12,376, to complete the sum for Sheriff Court Houses, Scotland.

(8.) £11,809, to complete the sum for the National Gallery Enlargement.

(9.) £2,590, to complete the sum for Burlington House.

(10.) £134,000, to complete the sum for Post Office and Inland Revenue Buildings.

(11.) £8,038, to complete the sum for the British Museum Buildings.

MR. SULLIVAN complained of the length of time readers were kept waiting for books in the Reading Room owing to the deficiency in the number of attendants. He had been kept waiting more than an hour for a work, and he found many others who were put to like inconvenience. He was inclined to move the postponement of the Vote until the matter had been inquired into.

MR. GOLDNEY suggested that the space required for the Museum purposes, which was the great difficulty, could be gained if some of the officers had residences elsewhere. It was not necessary that they should live on the Museum premises.

MR. SHAW LEFEVRE repeated the complaint made as to the length of time readers were kept waiting for books in the Reading Room, and trusted the Government would look into the question.

CAPTAIN NOLAN complained that Parliamentary Papers were not to be had at the Reading Room until they were a year old.

LORD HENRY LENNOX said, he had not only in his official capacity, but as one of the Trustees of the British Museum, the pleasure of informing the House that the addition of several

attendants in the Reading Room had been sanctioned by the Treasury; but with regard to the proposal to change the place of residence of the officials, he would not offer an opinion, but must refer the matter to his right hon. Friend (Mr. Walpole) as one of the Trustees. The whole question would have been more properly raised on the Vote for the Establishment.

MR. SPENCER WALPOLE said, that, considering the value of the collections, the Trustees believed it essential that official residences should be on the site of the Museum itself, so that responsible persons might be on the spot to render service in case of fire or accident. With regard to the delay in obtaining books, nothing was more important than that the best attention should be given to readers, and that they should get what they wanted within a reasonable time. It appeared upon the last investigation of the matter, that the average time they were kept waiting did not exceed 20 minutes, and, in cases where gentlemen were kept longer, it was possible that delay was occasioned by the fact that they did not give in the proper references.

*Vote agreed to.*

(12.) £33,980, to complete the sum for County Courts Buildings.

(13.) £8,006, to complete the sum for the Science and Art Department Buildings.

MR. SANDFORD wished for some explanation as to this Vote, on which he observed that there was an increase of 60 per cent as compared with a former Vote for the same purpose?

LORD HENRY LENNOX explained that one great object of the Vote was to provide for the payment of the re-laying of the Mosaic pavement.

MR. DILLWYN said, that since the commencement of the South Kensington Museum, the total expenditure upon the building and its contents had been £1,191,709. He thought it was high time they should have some assurance that this expenditure would come to a stop.

MR. SULLIVAN said, he had to complain that the managers of this Museum were crowding its cellars with valuable works of art, instead of placing them at the disposal and for the inspection of

*Lord Henry Lennox*

young artists throughout the country, who would by their study of them not only improve themselves, but the nation generally. Liverpool and other large towns ought to have the collections which it contained distributed amongst them.

*Vote agreed to.*

(14.) £111,300, to complete the sum for Surveys of the United Kingdom.

COLONEL BARTELOT said, that this was a most important work, but it was absolutely necessary that it should be pushed on faster than it now went, particularly in the southern counties. They had already spent £71,248 upon it, and he believed that if those who had charge of it looked after the work sharply, much more might be done. He suggested to his noble Friend the Chief Commissioner of Works that if those engaged on it were paid by the acre, instead of so much per day, it would proceed more rapidly and the country get more work for its money. The Survey would be, when completed, a great national benefit; the maps already turned out were perfectly beautiful and most valuable, and it was therefore of the utmost consequence that it should be completed as soon as possible. He wished to know from his noble Friend what further time it would take to complete it, and what counties were now unsurveyed?

MR. MORGAN LLOYD asked why the Survey of North Wales had been suddenly put a stop to about a year ago? Denbighshire and Flintshire had been surveyed, but when half Merionethshire had been surveyed, the men were ordered away to Staffordshire. Great discontent and disappointment had arisen in consequence, and he concurred with the hon. and gallant Gentleman who had just sat down that the work was most valuable, and that it was desirable for the interests of the country to have it completed as soon as possible. They had an officer of the Royal Engineers at the head of the Survey who, no doubt, was perfectly capable of performing the duty, but he thought the mode in which it was now carried on might be improved. He did not, however, agree with the hon. and gallant Gentleman that it would be better to pay those employed on it by the acre instead of per day.



GENERAL SIR GEORGE BALFOUR pointed out that the estimated cost of the Survey Department contained on account of the military pay drawn by the officers and men; it merely showed the civil salaries of the Engineer officers and men of the Royal Engineers employed on the Survey. It was unfair to the Army to allow the military pay of the large force of Royal Engineers to appear in the Army Estimates. There might have been an excuse for a separation of military pay and survey pay when the Survey department was under the War Office; but now that the department had been removed from under the Secretary of State, it was not only just to the Army, but right in a financial point of view, to debit the military pay in this Estimate, and remove it from the War Office. He hoped that in future they would have a more exact statement of the expenditure under this head.

LORD HENRY LENNOX was glad to be able to state that the survey of the southern counties was in a very forward state of progress. With regard to the Survey being carried on by the job, he would mention the suggestion to the gallant officer who presided over it, but of course he could express no opinion of his own upon the subject. As to the question as to how long it would be before it would be completed, everything depended on the amount of money voted for it. In 1871, however, his Predecessor, Mr. Ayrton, calculated that 12 or 13 years must elapse before it was completed. With regard to the question of the hon. and learned Member for Beaumaris (Mr. Morgan Lloyd) he would institute inquiry into the circumstances, and communicate the result to the hon. and learned Gentleman.

MR. HEYGATE was glad to hear the noble Lord say the Survey was rapidly proceeding, but he had a right to demand from Her Majesty's Government that some little extra speed should be given to its completion. Other parts of the Kingdom besides Sussex were deeply interested in the Surveys being proceeded with rapidly, and if the Government had any money to spare, they could not do better than spend it by increasing the Vote. At the present rate of progress, they might all go to their graves without having seen a Cadastral Survey of many portions of the country. He did not, however,

agree with his hon. and gallant Friend near him (Colonel Barttelot) that it would be better to pay those engaged upon it by the acre instead of by the day. It was a most important work, and they should receive good remuneration. He thought the best course to pursue was to leave the Survey in the hands of the able Engineer officers who were now employed on the works. It was a mistake to suppose that in the rural districts the Survey was not regarded as of equal importance and equally appreciated as in mining and manufacturing districts.

GENERAL SIR GEORGE BALFOUR hoped that some reduction would be made in the price of the maps constructed according to the large scale. It cost a very large sum to obtain a complete set of the sheets of a county on the large scale. Indeed, it would be wise to reduce the price of all sheets to the mere cost and charges.

*Vote agreed to.*

(15.) £6,649, to complete the sum for Harbours, &c. under the Board of Trade.

GENERAL SIR GEORGE BALFOUR said, there were several harbours on the coast which might be made available as harbours of refuge, as well as those named in the Estimates, and on the improvement of which money might be well expended. Indeed, it was objectionable to allow this large expenditure to be exhibited in the obscure form at present followed. As far as he could ascertain, nearly £6,000,000 had been spent on harbours in the United Kingdom in 27 years, ending in 1867, of which more than five-sixths had been applied to the coasts of England, and only a small fraction to Scotland. The entire expenditure on harbours should be clearly shown in one Vote, instead of allowing portions to be shown in Scotch and Irish Votes. A better control over this important branch of public works would be useful financially, and valuable in effecting better results for our harbours.

*Vote agreed to.*

(16.) Motion made, and Question proposed,

"That a sum, not exceeding £7,500, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on

the 31st day of March 1876, for the Contribution to the Funds for the Establishment and Maintenance of a Fire Brigade in the Metropolis."

MR. SULLIVAN said, he was well aware that a fire brigade was necessary for the protection of Government property, but he wished to know why some contribution was not made towards the fire brigade in Dublin, in which city there was a very large amount of Government property. Last year it was found that the assessment of the penny in the pound, authorized by the Act, was insufficient to pay the expenses, and the result was that the brigade had to be reduced in strength. He had a strong feeling in favour of granting a sum towards the Dublin Fire Brigade, as was very properly done in the case of London, and unless some satisfactory explanation was given, he would move the reduction of the Vote by £6,999.

Motion made, and Question,

"That a sum, not exceeding £501, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Contribution to the Funds for the Establishment and Maintenance of a Fire Brigade in the Metropolis,"—(Mr. Sullivan.)

—put, and *negatived*.

Original Question put, and *agreed to*.

(17.) £195,091, to complete the sum for Rates on Government Property.

MR. SULLIVAN hoped that some explanation would be given of this Vote, in reference to which no explanation was given on the former occasion. He considered some statement was necessary in reference to the promise given some time ago by the Viceroy of Ireland that the rates on the Government establishments should be defrayed. He should be glad to hear what was likely to be done by the Government in reference to the Vote.

MR. W. H. SMITH said, that the sole reason why the contribution by the Government to the local rates had not been paid to the Corporation of the City of Dublin was because the necessary calculations, which were in progress, had not yet been made. It must be understood that it took a long time to do that, but as soon as the sum payable had been ascertained, it would be handed

over to the local authorities in all cases. The most important of the calculations in other parts of the country had been agreed upon.

In reply to Mr. SHAW LEFEVRE,

THE CHANCELLOR OF THE EXCHEQUER said, that in future the amounts to be paid under this arrangement would appear upon the Estimates. The sums to be paid would vary according to the amount of the rates levied.

GENERAL SIR GEORGE BALFOUR wished to be informed whether any arrangement had been come to in reference to rating the Post Office?

MR. W. H. SMITH, in reply, said, as soon as the inquiry was completed and the calculation was made, every post office in the country would be rated and paid for, and the fullest information would be given on the subject.

MR. SULLIVAN asked whether the sum to be paid to the City of Dublin would be forthcoming this year; and, if so, whether it would be necessary to have a Supplementary Estimate brought in as soon as the calculations were settled?

MR. MORGAN LLOYD said, it appeared to him that Government property should be obliged to pay rates as well as any other description of property.

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, they could not lay down any rule by which Government property should be liable; but a basis had been arrived at by which all Government property would be rated. The rates would be calculated upon that basis, and Votes taken for the amount. The hon. Member for Louth asked whether there would be a Supplementary Estimate for Ireland, and he (the Chancellor of the Exchequer) imagined no other Estimate would be taken this year beyond the sum named as necessary to complete the Vote.

SIR WILLIAM HARCOURT thought it desirable that the Government should explain upon what principle Government property had been exempted from the same proportion of rates as all other descriptions of house property. Blenheim, a large establishment, was rated very low, while small houses were rated very high. What he wished to know was the basis on which the Government calculated in reference to the Vote. He hoped the Chancellor of the Exchequer would state to the Committee what was

the principle upon which large establishments such as the Dockyards were rated.

MR. PELL said, he observed in the Estimate that no contribution was to be expected from telegraphic lines which were being constructed by the Government. Upon what principle would they be rated?

MR. SHAW LEFEVRE suggested that a Return of the cases already determined upon should be laid upon the Table.

THE CHANCELLOR OF THE EXCHEQUER said, he could not answer off-hand the questions which had been put to him by the hon. and learned Gentleman opposite (Sir William Harcourt), but he imagined the proper principle upon which to calculate would be first to ascertain what similar private property was rated at? There were varieties of matters to be taken into consideration. He would undertake to lay on the Table a Return to meet the views of the hon. Member for Reading, as it seemed the most convenient course to pursue.

MR. MUNDELLA wished to know on what principle the Royal Palaces were rated. A contribution of £520 to the rates was hardly a fair percentage of the amount at which those buildings should be rated to the poor.

THE CHANCELLOR OF THE EXCHEQUER said, no rates were charged on the Palaces in the actual occupation of the Sovereign.

*Vote agreed to.*

(18.) £2,901, to complete the sum for the Wellington Monument.

MR. ADAM wished to know when it was likely the Monument would be completed?

SIR GEORGE BOWYER inquired to whom the completion of the work had been entrusted since the death of Mr. Stevens?

MR. GOLDNEY complained that an entire generation should have been allowed to pass away before the completion of the Monument. The Committee was entitled to ask if the sum now asked for would be sufficient to complete the work, who had the control of it, and if the amount was not sufficient, what was likely to be its ultimate cost? The original Estimate had been £14,000.

LORD HENRY LENNOX said, that when he succeeded to office in the early part of last year very little progress had

for a long time been made with the Monument, although it had been 22 years in hand. Indeed, it seemed likely that 22 years more might elapse before it was finished. This was not owing to any negligence on the part of his Predecessors, but was entirely owing to the long and deplorable illness of the lamented sculptor, Mr. Stevens, who recently died. At that time he asked the Committee to accept a promise from him that he would consider carefully what course ought to be taken, and that if he found the progress made was not likely to be satisfactory he would propose to place the work in other hands. He was now in a position to make a statement of a gratifying character. The figure of the Duke of Wellington had been cast, and was merely awaiting the finishing of the bronze. One of the large side groups was in course of casting, and there now remained in the studio of Mr. Stevens the other large side group, and three small pieces, which, according to a report he had received at the beginning of the present month from two gentlemen who, at his request, had inspected them, were practically finished. In three weeks from the date of that report every part of the Wellington Monument was expected to be in the hands of Mr. Young, the founder, to whom the delay which had occurred was not in the least attributable. Therefore, he confidently appealed to the Committee to say whether he had not justified the latitude which had been allowed him last year, inasmuch as during the last 12 months all that the sculptor was required to do had been done, and it only remained for the founder to make the necessary castings. In answer to the hon. Member for Chippenham (Mr. Goldney), he might say that that sum of money would finally exhaust the payments for that work. As far as Mr. Young could tell, before the end of the present year every part of the Wellington Monument would be cast and placed in St. Paul's Cathedral. It would be seen that he had taken a large sum in this year's Estimate for that work; but he thought the Committee would prefer that that large sum should appear in the Estimates if he could at the same time assure them that the money voted would produce such substantial results.

*Vote agreed to.*

(19.) £66,700, to complete the sum for the Natural History Museum.

SIR WILLIAM HARCOURT said, this was a matter in which he took a deep interest, inasmuch as when the Natural History Museum was completed, he expected to see the Natural History Collection at present in the British Museum, which was painfully overcrowded, removed to the new institution, and room thus made for the exhibition of many most interesting specimens of ancient art, especially as regarded sculpture, which were now stowed away in the cellars of the British Museum. Some of the finest monuments were now stored in places more fit for keeping casks of beer in than works of art. The original Estimate for the Natural History Museum was £350,000; the revised Estimate was £395,000. What the re-revised Estimate would be he could not tell. At the present rate of progress, it would take three years to complete the building, and he would be glad if the First Commissioner of Works could give them some satisfactory assurance on that point.

SIR GEORGE BOWYER suggested that the buildings should be high ones, in order to afford ample accommodation to their collections without the necessity of incurring heavy expenses in the purchase of large sites.

LORD HENRY LENNOX said, there had been no unnecessary delay. He thought they might safely say that it would take two years from the present time for the completion of the building; but some additional time would afterwards be required for the removal of the collection. During the last year the work had gone on with great spirit, and he was anxious that increased accommodation should as soon as practicable be given to the British Museum. He proposed to take a Vote for £80,000 this year, which would make up £180,000; but after that a further expense would be entailed in removing the collection and preparing the building for its reception.

*Vote agreed to.*

(20.) £5,580, to complete the sum for the Metropolitan Police Courts.

(21.) £63,400, to complete the sum for the New Courts of Justice and Offices,

MR. GREGORY urged the expediency of completing those buildings as soon as possible, adding that if their construction was to proceed only at the rate of expenditure named in the Vote, it would take seven years according to the Estimate to finish them—a delay, which taking the rate of interest which had to be paid meantime, and the inconvenience to the legal profession, he strongly deprecated.

LORD HENRY LENNOX said, he was in no way responsible for the delay which had occurred in the construction of the new Law Courts. The works certainly had not made as much progress as he could have wished. He had communicated with the contractors (Messrs. Bull) on the subject, and they had stated that the magnitude of the undertaking and the necessity of fixing machinery of a certain kind, which he knew from other quarters was of a first-class character, had taken up a great deal of time. In consequence, he might add, of the remarks which he had made on a former occasion, extra hands had been put on, and he could assure his hon. Friend that he would keep a watchful eye upon the progress of the building.

SIR HENRY JAMES inquired whether any contract had been entered into which in any way limited the time at which the new Courts of Justice were to be finally completed?

MR. GOLDNEY said, we had in London many examples of large and substantial buildings which had been erected with great rapidity, and referred, as an example, to Covent Garden Theatre, which, though built in seven months, had, as he was informed, not a single structural defect.

LORD HENRY LENNOX was certain a contract had been entered into to complete the work in a specified time—seven years, he believed, from the commencement of the works. Six years had elapsed between the time of the purchase of the site and the completion of the contract, and in fact the progress made had only been a progress extending over about 10 months, as the foundation stone, it should be remembered, was laid less than a year ago.

*Vote agreed to.*

(22.) £450, to complete the sum for Ramsgate Harbour.

GENERAL SIR GEORGE BALFOUR said, the harbour at Ramsgate was an entire failure as a harbour of refuge, and he thought it was a mistake of the Board of Trade to take it over from the Commissioners.

SIR CHARLES ADDERLEY said, that the charge for the maintenance of the harbour had been placed by Parliament on the Consolidated Fund. There had been a considerable decrease in its expenses, and it was a harbour of refuge though not successful from a commercial point of view. He would also say that passing tolls had been abolished, which formerly produced an annual revenue of £18,000 for the harbour.

Vote agreed to.

(23.) £8,400, to complete the sum for the New Palace at Westminster, Acquisition of Lands and Embankments.

(24.) £147,711, to complete the sum for Public Buildings in Ireland.

(25.) £14,510, to complete the sum for Lighthouses Abroad.

(26.) £59,738, to complete the sum for British Embassy Houses and Consular and Legation Buildings.

House resumed.

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

#### BISHOPRIC OF SAINT ALBANS BILL.

(*Mr. Secretary Cross, Mr. Chancellor of the Exchequer, Sir Henry Selwin-Ibbetson.*)

[BILL 95.] CONSIDERATION.

Bill, as amended, *considered*.

Clause 8 (Appointment of Bishop of Saint Alban's by Her Majesty.)

MR. MONK, in moving, as an Amendment, to omit the first line of the clause, said, that the object of his Amendment was to ensure the continuance of the mode of appointment of the Bishop laid down in the Bill after the creation of a dean and chapter of St. Albans—namely, by letters patent direct from the Crown in lieu of the cumbrous machinery of the *congé d'élire* and letters missive, which had given rise to much scandal and inconvenience to the Church. He disclaimed any intention of aiming a blow at deans and chapters by his Amendment. His object was rather to save them from being placed in the humiliating position of having to elect a Bishop, of whom they might not ap-

prove, with the alternative of a *præmunire* staring them in the face. The Government had entirely given up the principle of election by *congé d'élire* in the St. Albans Bill by recurring to the mode of appointment of Bishops which existed in England in the reign of Edward VI., and in Ireland from the second year of the reign of Elizabeth to the disestablishment of the Irish Church. Under the Irish Act of 2 *Elizabeth*, c. 4, all Archbishoprics and Bishoprics were made donative, and so continued after the union of the Church of England and Ireland. There was no election, no confirmation, the appointment being absolute by letters patent, on the authority of which the consecration took place. The 25 *Henry VIII.*, c. 20, prescribed the manner in which Bishops should be elected, presented, invested, and consecrated within the King's dominions; the first step on the avoidance of a see was the *congé d'élire*, accompanied by letters missive containing the name of the appointee, then the form of election by the dean and chapter, then the certification of the election to the King, and after the oath of fealty had been taken, the King signified the same to the Archbishop of the Province, requiring him to confirm the said election, and to invest and consecrate the person so elected to the office to which he had been elected. Section 4 enacted that if the dean and chapter delayed the election of the person named in the letters missive above 12 days after receiving the same, the King might appoint whom he pleased by Letters Patent under the Great Seal. Section 7 enacted that if the dean and chapter did not elect and signify the same within 20 days they should suffer the penalties of the statutes of *provisors* and *præmunire*. By 1 *Edward VI.*, c. 2, all Bishoprics were made donative in this country. That Act recited with much disapprobation the mock election under *congé d'élire* and letters missive, stigmatizing the proceedings as—

“colours, shadows, and pretences, serving to no purpose, but derogatory and prejudicial to the King's Prerogative, and to whom alone appertaineth the collation and gift of all Bishoprics in England and Ireland.”

That Act was repealed by 1 *Philip & Mary*, c. 8, as also was 25 *Henry VIII.*, c. 20, but the latter Act was re-enacted by 1 *Elizabeth*, c. 1. So the law remained in England to this day. The House would observe that the dean and chapter



were compelled under pains and penalties of the heaviest nature to elect the person named in the letters missive. In the case of Dr. Hampden, late Bishop of Hereford, the election was contested in the chapter by the late Dean Merewether, but he was out-voted, and the election took place. Subsequently, proceedings were taken to prevent the confirmation of the election at Bow Church on the 11th of January, 1848, when certain opposers appeared by counsel and claimed to be heard. After hearing arguments, the Vicar General overruled the objections, declared that the opposers could not be heard, and pronounced all opposers contumacious for not appearing, at the same time directing the apparitor to call upon all persons to "come forward and make their objections in due form of law, and they shall be heard." On an application to the Court of King's Bench for a *mandamus* to compel the Archbishop to hear the opposers, the Court was equally divided in opinion, so that the *mandamus* was not granted. But the scandal to the Church arising from such a proceeding was very great. Nor was that a single instance. A like scandal occurred at the confirmation of Dr. Lee as Bishop of Manchester, and of Dr. Temple as Bishop of Exeter. The Court of King's Bench having ruled that the election of a Bishop by a dean and chapter was a pure matter of form and a ministerial act only, the religious service ought not to be mixed up with it; while the invocation of the Holy Spirit to guide the chapter in their choice of a Bishop, with the penalties of *præmunire* staring them in the face if they exercised a free choice in the matter, was little short of blasphemy. So with respect to the confirmation also. In a debate in the House of Lords in 1848, Lord Denman, the Chief Justice of the King's Bench, said—

"An Amendment of the 25th Henry VIII., by substituting this simple process (the conferring upon the Crown the direct appointment of bishops) for the cumbrous machinery of *congé d'élire* and *lettre missive*, would be a great improvement of the law, and would avoid the scandal of similar questions arising in Westminster Hall for the future."—[3 *Hansard*, xcvi. 647.]

The venerable and learned Bishop Thirlwall expressed his concurrence, and said he believed the time had arrived, and circumstances had arisen, when it was absolutely necessary that some change or

other should be made in the law. Bishop Phillpotts also thought that, so far as the election of Bishops by deans and chapters was concerned, the statute of Henry VIII. was unmixed tyranny. Under those circumstances, he (Mr. Monk) had brought in a Bill last Session to abolish the *congé d'élire*, but he had no opportunity of moving the second reading. He was glad to find the Government strengthening his hands, by proposing in that Bill to dispense with the *congé d'élire* in the first instance, and thereby abandoning the principle of a mock election. The object he had in view was to make that abandonment permanent, and he appealed to the House not to leave the shadow when they had taken away the substance. The hon. Gentleman concluded by moving the Amendment.

MR. FORSYTH seconded the Amendment, as he disapproved of fictions being kept up in the Church, when in most other instances they had been abolished. A real *congé d'élire* had been given by King John, and from that time until the reign of Henry VIII. there had been no interference on the part of the Crown with the election of a Bishop. He could not see what possible good purpose it could serve to keep up the present fiction of the *congé d'élire* addressed to a dean and chapter who must elect a particular person under the terrors of a *præmunire*, and who went through the form of a prayer to the Almighty to direct their choice. The case of Dr. Hampden had given rise to a great scandal, and he hoped there would not be a repetition of it.

#### Amendment proposed,

In page 3, line 35, to leave out from the words "So long," to the words "Saint Albans," and insert the words "After the foundation of the new Bishopric of Saint Albans as aforesaid,"—(Mr. Monk.)

—instead thereof.

MR. BERESFORD HOPE trusted the Home Secretary would not accept the Amendment. It was a broad question, and ought not to be raised on a narrow issue in a thin House. If the system was to be altered let it be altered for the whole Church, if the Church were inclined to give its assent to the change; but he did not think the whole Church would assent to the alteration of the system. The arrangement in this case was of a provisional character. If the

Mr. Monk

Amendment were adopted, they would open delicate and burning questions, and, at the same time, not render the Bill in any degree more acceptable by making so sweeping a change on so small a portion.

MR. ASSHETON CROSS opposed the Amendment, on the ground that there were at present no dean and chapter of St. Albans, nor did the Bill make provision for creating them. The general question—how Bishops ought to be appointed—was a very proper one to raise, but this was not the occasion for raising it. He was aware that the hon. Member for Gloucester (Mr. Monk) had introduced a measure last Session to change the mode in which Bishops should be elected. This Bill, however, was framed on a different principle, and he thought the hon. Member ought to re-introduce his Bill, in order that the general principle should be discussed. He hoped the House would leave the Bill as it stood.

SIR WILLIAM HARCOURT said, he was quite ready to recognize the right of the flock in the choice of their chief pastor; but in no sense did the dean and chapter represent the rights of the flock. What they did represent was the rights of the clergy. Under this Bill the Bishop would be nominated by the Crown, without the clergy having any voice in the matter; but in the best days of the Church of England—namely, in the reign of Edward VI., even the form of a *congé d'elire* was dispensed with. He did not think that there was any likelihood of a dean and chapter being appointed in their time, so that there would be no fear of the *congé d'elire* being resorted to. The hon. Member for Gloucester (Mr. Monk), therefore, would get what he wanted, a non-*congé d'elire* Bishop; and he (Sir William Harcourt) hoped that he would not divide the House.

Question put, "That the words proposed to be left out stand part of the Bill."

The House divided:—Ayes 62; Noes 24: Majority 38.

Clause 11 (Sale by Commissioners of Danbury.)

MR. BERESFORD HOPE said, the object of the clause was to the effect that the Commissioners should provide in the county of Surrey a suitable epis-

copal residence for the Bishop of Surrey. He objected to the question being prejudged, in the sense of a Parliamentary enactment that a Bishop was to live away from his See town. Perhaps in the present case it would be better that he should live in Surrey; but it was not right to sanction a violation of principle by statute. He would move that the words "in the county of Surrey" be omitted.

Amendment proposed, in page 5, line 36, to leave out the words "in the county of Surrey." — (Mr. Beresford Hope.)

MR. ASSHETON CROSS opposed the Amendment. The Bishop of Rochester had never resided in the Cathedral town, and the new Bishopric, it should be remembered, was founded practically for the benefit of South London, and it was therefore considered desirable that the Bishop's residence should be in the county of Surrey.

Question, "That the words proposed to be left out stand part of the Bill," put, and agreed to.

Bill to be read the third time upon Monday next.

#### SALE OF FOOD AND DRUGS BILL.

(Mr. Selater-Booth, Mr. Clare Read.)

[BILL 168.] CONSIDERATION.

Bill, as amended, considered.

Clause 5 (Prohibition of the sale of articles of food and of drugs not of the proper nature, substance, and quality. Exceptions.)

MR. SANDFORD moved, as an Amendment, at end of clause to add the following words:—

"And be it further provided that in case a person be fined for the sale of an article of food or drug to the prejudice of a purchaser as aforesaid, he shall, if he sold such article without knowing it to be of a different nature, substance, or quality from that demanded, and in the condition in which it was supplied to him by the dealer from whom he had received it, have right of action against such dealer, and be entitled to recover from him the amount of penalty and costs to which he had been subjected."

MR. MUNDELLA said, he could not but express his surprise at the hon. Gentleman now moving to re-insert the word "knowingly" in the Bill, from which it had been struck out on a former night. The effect of the Amendment would be to subject the wholesale dealer to vexatious prosecutions and costs, in a matter

of which he might not have had any knowledge when he was selling the article. He (Mr. Mundella) had no interest in the matter but that of justice; and if the word "knowingly" were inserted in the Bill, he would tell the hon. Gentleman that before long the Bill must be amended, or another Sale of Food and Drugs Bill be brought in.

Mr. SCLATER-BOOTH, in supporting the Amendment, said, there was difficulty in getting at the wholesale dealer, and that the Amendment was considered necessary.

*Amendment agreed to; Words added.*

On the Motion of Mr. SCLATER-BOOTH, Clause further amended, by providing that no person engaged in any trade or business locally connected with the sale of food or drugs should be appointed an analyst under the Act.

Clause, as amended, *agreed to.*

Clause 13 (Provision for dealing with the sample when purchased).

Dr. C. CAMERON proposed to amend the clause by the insertion of words providing that the analyst should certify that the sample retained by the purchaser was of the same quality as that which he reported on.

*Amendment proposed,*

In page 5, line 17, after the word "parts," to insert the words "after it shall have been marked and sealed by the analyst."—(Dr. Cameron.)

Mr. SCLATER-BOOTH objected to the Amendment as one likely to create confusion.

Question put, "That those words be there inserted."

The House *divided*:—Ayes 17; Noes 53: Majority 36.

*Amendment proposed,*

In page 7, line 6, to leave out from the word "analysis," to the end of the Clause, and insert the words "and such officer may be required to attend to give evidence at the hearing of the case, and the expenses of such examination, analysis, and attendance shall be deemed part of the expenses of executing this Act, unless the justices order the same to be paid by the complainant or the defendant."—(Dr. Cameron.)

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to.*

Bill to be read the third time upon *Monday next.*

*Mr. Mundella*

## SUPPLY.

*Resolution reported;*

"That a sum, not exceeding £685,300, be granted to Her Majesty, to defray the Charge for Militia Pay and Allowances, which will come in course of payment from the 1st day of April 1876 to the 31st day of March 1876, inclusive."

*Resolution agreed to.*

## MILITARY MANŒUVRES [COMPENSATION].

*Considered in Committee.*

(In the Committee.)

*Resolved*, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of Compensation to Persons whose lands may be damaged by the passage of Troops, and of persons accompanying them, and of Compensation to the Members of the Court of Arbitration to be appointed in pursuance of any Act of the present Session for facilitating the Manœuvres of Troops during the present summer.

*Resolution to be reported upon Monday next.*

## TURNPIKE ROADS (SOUTH WALES) BILL.

On Motion of Mr. SCLATER-BOOTH, Bill for the further amendment of the Laws relating to Turnpike Roads in South Wales, *ordered to be brought in* by Mr. SCLATER-BOOTH and Mr. CLARE READ.

*Bill presented*, and read the first time. [Bill 183.]

House adjourned at a quarter before Two o'clock, till *Monday next.*

## HOUSE OF COMMONS,

*Monday, 24th May, 1875.*

MINUTES.]—SUPPLY—*considered in Committee*—*Resolutions* [May 21] *reported.*

*Second Reading—Referred to Select Committee—*

Public Works Loan Acts Amendment [53]; Public Works Loan Acts Consolidation\* [54].

PUBLIC BILLS—*Second Reading—Post Office*\* [180]; Summary Prosecutions Appeals (Scotland)\* [136]; Glebe Loan (Ireland)\* [176]; Survey (Great Britain) Acts Continuance\* [181]; Intestates Widows and Children Act Extension\* [132].

*Select Committee—Metropolis Gas Companies*\* [82], *nominated.*

*Committee—Report—Military Manœuvres*\* [166]; Public Stores\* [169]; Railway Companies\* Justices (Dublin)\* [171].

*Third Reading—Bishopric of Saint Albans*\* [95]; Sale of Food and Drugs\* [168], and *passed.*

## ARMY—DEATH OF A SOLDIER FROM ALCOHOL—CARLOW.

### QUESTION.

MR. KAVANAGH asked the Secretary of State for War, Whether his

attention has been called to the death of Richard Dickinson, a trooper in the 4th Dragoon Guards, who is reported in the papers to have died on Tuesday morning last from injuries received while assisting to extinguish a fire in the town of Carlow; and, if so, whether he will cause inquiry to be made into the circumstances attending his death?

MR. GATHORNE HARDY: Sir, on the 2nd of May, at night, a fire broke out in the town of Carlow. A detachment of the 4th Dragoon Guards attended with the garrison engine and worked hard in extinguishing it. In a neighbouring house the men were supplied with whisky, without the knowledge of the officer commanding, and apparently one of them, Dickinson by name, drank to excess. Before morning he was taken violently ill, and he died early on the 4th of May. There was no suspicion of violence; but there was reason to suppose that the whisky had been drugged for trade purposes to the extent of becoming poisonous, as two other men were taken ill and recovered after vomiting. The deceased's stomach and its contents were analyzed by the proper officer, but nothing was found beyond alcohol. A coroner's jury thereupon returned a verdict of "Death by congestion of the brain, produced by an overdose of alcohol."

#### INDIA—CHINA AND KASHGAR.

##### QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for India, Whether the Indian Government have any information as to the Chinese attack on the Dominions of the Amir of Kashgar other than that which has appeared in the newspapers; and, whether any instructions have been sent to the British Minister at Peking upon the subject?

LORD GEORGE HAMILTON: Sir, we received two Despatches from India, dated the 5th of February and the 15th of March respectively, enclosing letters from Mr. Shaw, the officer on special duty at Kashgar. In the first letter, he states his belief that there appears to be no imminent apprehension of a Chinese invasion; and, in the second, he says that it is currently reported that certain Tungani chiefs have sent to the Amir asking for assistance against the Chinese.

We have received no confirmation of these rumours. In reply to the second part of the Question, I find, upon inquiry at the Foreign Office, that no information relating to a Chinese attack upon the Amir's dominions has been received from Peking, and no instructions have been sent to the British Minister there.

#### METROPOLIS—CAB FARES.

##### QUESTION.

SIR PATRICK O'BRIEN asked the Secretary of State for the Home Department, Whether he will recommend to the Police Commissioners the propriety of authorizing some increase of the fares for cabs hired between the hours of midnight and 6 of the clock a.m.

MR. ASSHETON CROSS, in reply, said, that, on inquiry, he had found the demand for cabs during the night hours had very much diminished since the passing of the Licensing Act of 1874, and that he had no intention at present of recommending an increase of the fares.

#### NAVY—DOCKYARD SERVANTS—THE REGULATIONS.—QUESTION.

MR. GORST asked the First Lord of the Admiralty, Whether it is true that men employed in Her Majesty's Dockyards are forbidden to hold parochial offices, even when the duties of such offices do not interfere with their work in the yard; and, if so, what is the reason for subjecting men to this disability?

MR. HUNT: Sir, the Dockyard Regulations, Art. 31, say—

"No person is to hold any parochial office or to have any occupation which may call off his attention from his duty, and thereby cause irregularity of attendance."

Application has to be made to the Admiralty in the case of a man employed in the Dockyard wishing to take a parochial office, and permission is granted or refused according to whether the condition of the above regulation is likely to be complied with or not.

#### RUSSIA AND JAPAN—ISLAND OF SAGHALIEN.—QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether he can inform the

House if any consideration has been paid by Russia to Japan for the recent cession to Russia by Japan of her rights in the Island of Saghalien?

MR. BOURKE: Sir, the negotiations between Russia and Japan in regard to Saghalien have been carried on at St. Petersburg between the Japanese Minister and the Russian Government; and the Japanese Minister has informed Lord Augustus Loftus that a Convention was signed on the 7th instant ceding the southern portion of Saghalien to Russia in exchange for the Kurile Islands—18 in number—lying to the north-east of Yesso. The Russians are already in possession of the northern part of Saghalien.

#### INDIA—CIVIL SERVANTS OF THE NORTH-WEST PROVINCES.

##### QUESTION.

MR. LOWE asked the Under Secretary of State for India, Whether, as it appears by a Despatch which has been laid upon the Table of the House, that the Indian Government admits that it has broken its engagement with the civilians of the North-west Provinces, and that the Indian Government decline to apply any efficient remedy to the injury which it has thus inflicted, the Secretary of State for India will take speedy and efficient measures for redressing the wrong committed by the Government of India?

LORD GEORGE HAMILTON: Sir, before I answer the Question of the right hon. Gentleman, perhaps I may be permitted to point out—first, that he has assumed that the Indian Government has not only broken its engagement, but also admits having done so. Now, Sir, I cannot allow that assumption to pass without contradiction. The only contract or engagement existing between the Secretary of State and the Government of India on the one hand, and the Indian Civil Service on the other, is the Indian Civil Service Act of 1861, which Act does not apply to appointments in the non-regulation Provinces. The present complaint is, however, exclusively directed to the appointments made in the non-regulation Provinces. The civilians of the North-west Provinces complain to the Government of India, that certain rules promulgated by Lord Dalhousie, affirmed by the Secretary of State in 1864, and

approved of by subsequent Governments, for regulating the proportions of civil servants to be employed in the non-regulation Provinces have not been carried out, and that in consequence their promotion has been retarded. The Government of India admit that this contention is, in the main, borne out by facts, though the results of which they complain have been brought about by causes which unavoidably led to them in former years, and which are no longer in operation. They propose the following remedy:—

“We intend, therefore, to arrange with the different Administrations a systematic rule of procedure, whereby the preferential claims of civilians shall be brought forward and considered by the Government of India whenever an office falls vacant for which civilians are eligible, and to which no other officer has his superior claim by reason of seniority, local standing, or special qualifications. We think that this course ought to be followed, not only in the non-regulation Provinces, but also in appointing to the chief offices in those special departments of Government which are mainly administrative. And in taking these measures we shall be careful that the rights of individuals, as well as the interests of the public service, are upon no occasion overlooked or postponed to minor considerations.”

The Duke of Argyll expressed his strong approval, in which the present Secretary of State concurs, of these instructions, which are now being carried out. The Marquess of Salisbury has no reason to believe that these remedies will prove inadequate, and until he has received proof of their insufficiency, he does not propose to take any special action.

MR. LOWE gave Notice that, on going into Committee of Supply, he would call attention to the subject, and move a Resolution.

#### PRISON REGULATIONS—HAIR CUTTING.—QUESTION.

MR. MUNTZ asked the Secretary of State for the Home Department, If his attention has been called to the case of George Winterborne, of Culham, who was convicted on the 17th April before the Oxfordshire magistrates at the Bullingdon Petty Sessions, and fined for having in his possession three plated cups which were not of standard measure, and on conviction he sent to his house about five miles distant for the money, which was paid within three hours, but in the interval his hair and beard were cut off preparatory to his

*Sir Charles W. Dilke*



being dressed in a prison suit; and whether there is any regulation or law to justify such conduct on part of the authorities?

MR. ASSHETON CROSS: Sir, I shall be happy to give the hon. Member any information in my power in regard to this matter. I have made inquiries into this case, and I find by the prison rules of Oxford Castle it is provided, first, that the gaoler should see that all prisoners are shaved at least once a-week; secondly, that the hair of any female prisoner shall not be cut without her consent, except it is rendered necessary by illness or dirt. The hair of male prisoners is only to be cut so far as is necessary for health and cleanliness. A letter which I have received from the clerk to the visiting justices states that this man was admitted to the prison about a quarter past 1, on the 17th April, for non-payment of a fine of £2, and that when he arrived his hair was in a state which required cutting. He had no beard, and therefore that could not be cut, but he did grow whiskers continuously under his chin. It so happened, being Saturday afternoon, that the prison barber came on his rounds shortly after 2 o'clock, and Winterborne's hair was, with his consent, cut, and with no greater closeness than if he had entered a barber's shop. The hair under the chin was also shaved.

#### THE SUNDAY ACT—THE BRIGHTON AQUARIUM CASE.—QUESTION.

MR. JOSEPH COWEN asked the Secretary of State for the Home Department, If he has had his attention directed to the opening of the Zoological Gardens, the Botanic Gardens, the Horticultural Gardens, and other places of public resort on Sundays; and, whether such opening is contrary to the provisions of the Act 21 Geo. 3, under which the Brighton Aquarium has recently been closed; and, if so, whether he will take the necessary steps to secure uniform compliance with the Law?

MR. ASSHETON CROSS, in reply, said, that his attention had not been specially directed to the opening of the places of resort mentioned in the Question of the hon. Member. He did not quite know what other places of public resort the hon. Member referred to; but if he alluded to Kensington Gardens,

his (Mr. Cross's) attention had been called to the great assemblage who enjoyed themselves there yesterday, and he was exceedingly glad to see them there. As to the latter part of the Question, it was impossible for him to state what might be the opinion of the Court of Queen's Bench, or any other Court, as to the state of facts with which he was not thoroughly informed. But, as far as he could obtain any information on the matter, he had no reason to believe that the judgment in the case of the Brighton Aquarium would be the same as in that of the Zoological, the Botanic, or the Horticultural Gardens, because he was advised that they stood on a different footing. Therefore, he had no intention whatever to interfere in the matter.

#### METROPOLIS—THE THAMES EMBANKMENT—THE NATIONAL OPERA HOUSE.—QUESTION.

COLONEL BERESFORD asked the Chairman of the Metropolitan Board of Works, If it be true that on a representation having been made by Mr. Mapleson of his inability to purchase two houses in Cannon Row, Westminster, the Metropolitan Board of Works allowed him to advance his building frontage for the new National Opera House to within about thirty feet of the roadway on the Embankment, thereby giving him, after allowing for a twenty feet road on each side of the building, a net additional area of nearly nine thousand feet; and, if so, what money payment was, or is to be made by Mr. Mapleson or by those whom he represents, for such additional ground and accommodation?

SIR JAMES HOGG: Sir, in answer to the hon. Gentleman, I beg leave to inform him that it is perfectly true, in consequence of his inability to arrange for the purchase of the two houses mentioned in the Question, Mr. Mapleson did represent to the Metropolitan Board of Works that, if he had not permission to advance his building frontage for the new National Opera House beyond the line of frontage originally arranged by the Metropolitan Board of Works, he would be compelled to place the building sideways, which would mar the effect which would be produced by an approach and entrance fronting the Embankment. As

an inducement to the Metropolitan Board of Works to allow him to advance the frontage an average distance of 75 feet, he proposed to give up sufficient land to make roadways upon each side of the Opera House, and these roadways the Board have required to be of a width of 20 feet. The building will, therefore, be isolated from adjacent buildings, which will be in accordance with the wishes of the Lord Chamberlain, and is most desirable in the event of fire for a building of this description. So far from Mr. Mapleson having gained by the exchange, he gives up 11,920 feet and receives 11,560 feet, thus ceding 360 square feet; and, therefore, the Metropolitan Board of Works have not required him to make any money payment, and do not intend to do so. I should add that the consent of the Metropolitan Board of Works to the arrangement is dependent upon that of the First Commissioner of Her Majesty's Works being obtained.

#### ARMY—THE GALWAY MILITIA.

##### QUESTION.

CAPTAIN NOLAN asked the Secretary of State for War, If he intends to postpone the training of the Galway Militia in consequence of the present prevalence of small-pox in that county?

MR. GATHORNE HARDY: Sir, the preliminary drill and training of the Galway Militia, which was to have commenced on the 3rd of May, has been postponed until further orders, in consequence of the prevalence of small-pox in the county. A further Report will be furnished by the authorities in Ireland, on which, with their advice, it will be determined whether or not the training for the present year should be dispensed with altogether.

#### ARMY—STAFF SERGEANTS OF MILITIA.—QUESTION.

COLONEL NAGHTEN asked the Secretary of State for War, If he will increase the pay and allowances of the staff sergeants of the Militia under the old system to that of the new; and, if he will inform the House when the Militia Law Consolidation and Amendment Bill will be in the hands of Members?

MR. GATHORNE HARDY: Sir, no pledge can be given as to the increase of pay and allowances to the permanent

staff sergeants under the old system. The Militia Law Consolidation and Amendment Bill, which is being carefully revised, will probably be in the hands of Members before Thursday, the day for which it now stands.

#### THE PEACE PRESERVATION (IRELAND) BILL—SUSPENSION OF THE STANDING ORDERS BY THE LORDS.

##### QUESTION.

CAPTAIN NOLAN asked the First Lord of the Treasury, If the Resolution to suspend the Standing Orders on the 14th in the other House of Parliament for the purpose of passing three stages of the Peace Preservation Act in a single sitting was carried with the concurrence of Her Majesty's Government; and, if it is intended that such a Resolution should form a precedent for the conduct of future legislation?

MR. DISRAELI: Sir, there can be no doubt that the Motion for the suspension of the Standing Orders in the other House with respect to the measure referred to by the hon. and gallant Officer was made with the concurrence of Her Majesty's Government by my noble Friend the President of the Council. It will swell the number of precedents of similar proceedings, but it is a precedent on the authority of which it is not at all necessary to rest, because there are numerous precedents of the same kind and even of recent occurrence. There was, for instance, the Cattle Disease Bill in 1866, when the Standing Orders were suspended, and the same process was followed in the House of Lords. There was also the Sugar Duties Bill of 1867. I may also remark that when the Peace Preservation Act was passed by the House of Lords in 1870, the Standing Orders were suspended in a similar manner to that adopted in the present case, and with the same results. I need not remind the House that it is absolutely necessary that this Bill should become law before the 1st of June.

#### FOREIGN OFFICE—ALLEGED ROBBERY OF A QUEEN'S MESSENGER.

##### QUESTION.

MR. OWEN LEWIS asked the Under Secretary of State for Foreign Affairs, If his attention has been called to a statement which appeared in the news-

*Sir James Hogg*

papers last week, that a Queen's Messenger, on his way from Berlin with important despatches, fell asleep in the railway carriage, and on awaking found that he had been robbed by a Prussian officer of certain papers and reports, and if he can inform the House if the statement is correct?

**MR. BOURKE:** Sir, I apprehend the foundation for the statement alluded to by the hon. Member is only this—In September last a messenger who was travelling between Berlin and Brussels was robbed during the night of a bag containing money, papers, and other articles. There were no Despatches or letters belonging to Her Majesty's Government in the bag. There is not the slightest foundation for ascribing the robbery to a Prussian officer.

**FRANCE AND GERMANY.—REPRESENTATION OF HER MAJESTY'S GOVERNMENT.—QUESTION.**

**THE MARQUESS OF HARTINGTON:** I rise, Sir, to put a Question to the right hon. Gentleman the First Lord of the Treasury, of which I have given him private Notice, and in doing so I only wish to explain that I have not the slightest wish to embarrass the Government—I ask the Question simply in order to give the right hon. Gentleman the opportunity of offering some information to the House, as far as he thinks it consistent with his duty to do so, on a subject of the very highest importance, and on which naturally very great interest has been felt throughout the country—namely, Whether Her Majesty's Government have advised Her Majesty to make any representation to the Governments of France and Germany on the subject of the relations existing between those States; if so, whether they have any objection to state to the House the nature of such representation and of the replies which have been received; and, whether the Correspondence can be laid upon the Table of the House?

**MR. DISRAELI:** It is, Sir, a fact that Her Majesty's Government advised Her Majesty to make a representation to the Government of the German Emperor respecting the existing relations between Germany and France. The nature of that representation was to correct misconceptions and to insure peace. And to that representation we have re-

ceived a satisfactory reply. With regard to placing the Papers at present on the Table of the House, I think it would not be for the public convenience that it should be done.

**VIVISECTION—A ROYAL COMMISSION. QUESTION.**

**MR. LYON PLAYFAIR** asked the Secretary of State for the Home Department, Whether the Government intend to advise Her Majesty to appoint a Royal Commission to inquire into the subject of Vivisection with a view to legislation?

**MR. ASSHETON CROSS,** in reply, said, that there were at present two Bills before Parliament relating to the subject involved in the Question. It was a subject about which considerable anxiety was felt and as to which he ventured to say that very little was known by a great many Members of that House. Therefore, it was the intention of the Government to issue a small Royal Commission to make inquiries into that matter, in order that they might have full information before they attempted to legislate on the subject. Under those circumstances he would suggest that the right hon. Gentleman opposite should allow his Bill to stand over until the inquiry was completed.

**MR. LYON PLAYFAIR** said, that, after the announcement just made by the Home Secretary, he would move on Friday that the Order for the Second Reading of the Bill he had introduced be discharged.

**CAPE COLONY—DISTURBANCES IN GRIQUALAND.—QUESTION.**

In reply to **MR. EVELYN ASHLEY,**

**MR. J. LOWTHER** said: Sir, I am sorry to say that a slight disturbance did occur in Griqualand West. The circumstances were these—An Ordinance of the Cape Government of the date of 1853, which is in operation in the Province prohibits the sale or transfer of arms or ammunition among private persons without a permit being first obtained from the Government. In consequence of it being discovered that this ordinance was being systematically evaded, proceedings were instituted against a dealer, who was convicted and fined £50, with an alternative of three

months' imprisonment in default of payment. The fine not being paid, the defendant was arrested, which resulted in a threatening attitude being assumed by the diggers, who largely outnumbered the small local police force at the disposal of the authorities. The affair was however, eventually arranged by a cheque being handed in for the amount of the fine, it being understood that it would not be made use of until after an opportunity had been offered of a review of the case by way of appeal in the ordinary course. No troops have been sent, not, as I have heard it stated in some quarters, on account of any difficulties attending their transport, but because in the opinion of Sir Henry Barkly there was no necessity for their despatch.

RAILWAY COMMUNICATION IN THE  
EAST—ASIATIC RAILWAYS—  
BELOOCHISTAN AND PERSIA.

QUESTION.

SIR H. DRUMMOND WOLFF asked, Whether the Secretary of State for Foreign Affairs had received any information with reference to an alleged guarantee by the Governments of Austria, Germany, and Russia for the construction of a line of railway between Tiflis to some point on the frontier of Hindostan?

MR. BOURKE: Sir, the Question asked me has nothing to do with that of which my hon. Friend has given me Notice; but I have no difficulty in informing him that we have heard that a concession has been granted to a company to make a short line in the direction of Joulfa on the Persian frontier. As to a railroad through Beloochistan, Her Majesty's Government have no information, and if any of the friends of the hon. Gentleman are thinking of investing in such railway I would strongly advise them not to do so.

PARLIAMENT—PUBLIC BUSINESS—  
MORNING SITTING. — OBSERVATIONS.

MR. DISRAELI: I propose, Sir, should the debate on the Public Works Loan Acts Amendment Bill conclude to-night to ask permission of the House to have a Morning Sitting to-morrow. [Several hon. MEMBERS: What for?] The Public Health Bill is the first Busi-

ness I should like to take, and the next the Land Titles and Transfer Bill.

PARLIAMENT—THE DERBY DAY.

QUESTION.

SIR WILFRID LAWSON: Perhaps the right hon. Gentleman would inform us whether he has had time to make up his mind as to whether he proposes to move that the House should adjourn over the Derby Day; if so, when will he do so?

MR. DISRAELI: Sir, I have just placed a Notice on the Paper that it is my intention to move that the House at its rising to-morrow should adjourn until Thursday.

SIR WILFRID LAWSON: At what time?

MR. DISRAELI: The Motion will be made at Two o'clock.

PUBLIC WORKS LOAN ACTS AMEND-  
MENT BILL.—[BILL 53.]

(*Mr. Chancellor of the Exchequer, Mr. William Henry Smith.*)

SECOND READING.

Order for Second Reading, read.

THE CHANCELLOR OF THE EXCHEQUER, in rising to move that the Bill be now read the second time, said, that although he had already explained its general object to the House he could not help—looking at the Amendment of which Notice had been given by the hon. Member for Hackney (*Mr. Fawcett*), and the rumours which were afloat as to the great interest which was taken in that Amendment—feeling some uneasiness lest, in a discussion which might turn out to be something between a Social Science discussion and a great Party fight, the provisions of the measure itself might be lost sight of. He was therefore anxious to make a few remarks with respect to it, and at the outset to take the opportunity of correcting a statement which he made on its introduction, as to the amount of the deficiency in the case of advances made from time to time by way of loans. He then said that since the commencement of the system some £70,000,000 had been advanced, and £67,000,000 only repaid; he found, however, from a Return which had since been made that the figures were somewhat different. The fact was, that a number of advances which were origi-

*Mr. J. Lowther*

nally made as advances were afterwards found to have been intended as grants, the net result being that the whole amount advanced since the beginning of the system was £67,000,000, the whole of the repayments being about £68,000,000; but as that covered interest spreading over a period of 70 years, there was practically a considerable loss to the Treasury, as the interest in this last year alone was £466,000. Now, as to the Bill itself, he wished briefly to point out the position in which the House stood with regard to it. There were a Public Works Loan Acts Amendment Bill and a Consolidation Bill, both of which stood for second reading. The first made several important changes in the law as it stood, but the latter simply put together, with very little change, the existing Acts, and what he proposed was that the House should give the Amendment Bill a second reading, and that both measures should be referred to the same Select Committee, with a view to their being amalgamated into one, so as to form an Act which he should propose as the basis of a system on which the Government intended to proceed. He thought there would be very little difficulty as to the feasibility of that proceeding after they had heard the evidence of the draftsman. In adopting this plan he intended to make an arrangement for future proceedings, and to introduce separate annual Bills to give effect to the intentions of Parliament. But as the system was not intended to come into operation until next year, it would be necessary this year to introduce a Loan Bill for the purpose of providing the money authorized to be raised under the Acts which had been already passed, and for which there was at present no provision. That, however, had nothing to do with the system which it was proposed to introduce for future years, and that was all he believed he need say with reference to those two Bills. As to the position in which the Government stood with regard to the question of local taxation as affected by the measure at present under consideration, the view which the Government took of the matter was this—that there were two classes of questions to be considered, the placing of the relations between Imperial and local finance on a proper footing, and the alteration and amendment of local finance within itself.

The former of those considerations the Government had deemed it right to place on the first line as being the most important and pressing, but the reverse view was taken by right hon. Gentlemen opposite when they had to deal with the subject. When they were asked to make some provision for the relief of local taxation from the burdens which it was said were unjustly imposed upon it, they generally met the difficulty by urging that the local finance system should, first of all, be placed on a proper footing, and then steps taken in the direction of dealing with Imperial funds. That mode of proceeding had led to little or no result, though it was accompanied by a great deal of sound doctrine. When, therefore, the present Government took up the question, they felt that it could not be satisfactorily dealt with in that way, and that, in point of fact, it was expedient to reverse the process suggested by the Predecessors. They thought it right in those matters to settle their policy first and the machinery after, because the policy being settled, the machinery could be adapted to it. In pursuing the opposite course, they were of opinion that right hon. Gentlemen opposite were wrong, for what were local taxation and local government? They almost invariably involved more or less Imperial considerations. There were questions of education, sanitary questions, and a number of others in respect to almost all of which that observation applied. Taking, for example, the administration of justice, he would ask whether it was not most important that questions affecting that subject should be settled by Imperial authority before the position of the local authorities in connection with it was considered. The hon. Member for Hackney, whenever he spoke on local taxation, told the story of an election incident in Cornwall, in which one of the candidates was told that he had no chance of winning, because he had voted for giving a superannuation allowance to the governor of the prison, the moral being to show how important it was that the ratepayers should exercise some control over expenditure. But what were the merits of the question? In all probability the visiting justices knew what they were about in granting a retiring allowance, and it might have been an unfortunate thing to have en-



trusted to the matter to the ratepayers, who were, perhaps, incompetent to decide upon it. In these questions it was important to consider—first, how the service was to be done, and, next, to whom it had best be entrusted. The matter was not to be looked at as one of saving money. Now, the administration of justice, which was a difficult and complicated question, could not be dealt with on the principles which the hon. Gentleman advocated. They had to consider how far it was an Imperial concern, and if it was admitted to be an Imperial concern, how far it was right that Imperial funds should be devoted to the defrayal of its expenses. The question had been raised in different forms at different times. When the hon. Gentleman the Member for South Devon (Sir Massey Lopes) first raised it, he objected to the unequal manner in which certain classes of property were taxed. But as the discussion proceeded, he and those who acted with him abandoned their attempt to readjust local taxation so as to make it embrace all classes of property, and in 1872 came forward with a Resolution in the following terms:—

“That it is expedient to remedy the injustice of imposing Taxation for National objects on one description of property only, and therefore that no legislation with reference to Local Taxation will be satisfactory which does not provide, either in whole or in part, for the relief of occupiers and owners in counties and boroughs from charges imposed on ratepayers for the administration of justice, police, and lunatics, the expenditure for such purposes being almost entirely independent of local control.”

That Resolution, which was adopted with the concurrence of most of those who now sat on the Government side of the House, was the basis upon which the Government had been proceeding since they came into office. They had dealt with it to a certain extent; they had taken up the questions of police and lunatics, and if they had not yet entered into that of the administration of justice, it was partly because of the complexity of the subject, and partly because the financial position of the country was not sufficiently favourable for such an attempt. But it was a question which had not been forgotten, and which, no doubt, they would be prepared to deal with at the proper time. Having adopted that Resolution as the basis on which to go, the Government naturally took the course of proposing certain subventions. They

thought it wrong, however, simply to give subventions without at the same time obtaining some security for the proper application of the funds that were to be granted in aid of the local rates. They proposed, therefore, to bring the sums granted for police and lunatics under a certain amount of control, and with that object, so far as the police were concerned, he intended that evening to move for leave to introduce a Bill. Such were their intentions with regard to subventions. But the Government wished to do something more than merely adopt the principle of those subventions; they wished further to bring the conditions of local finance more directly under the notice of Parliament by the introduction of a “Local Budget.” An annual statement of that kind would be very desirable, not only in regard to direct taxation and expenditure, but there was another question to which they thought attention should be directed, and that was the question of indebtedness. There was a very great risk of local authorities increasing their indebtedness without the fact being properly observed, and the Government felt it was important, on the one hand, that steps should be taken to enable local authorities to provide the funds necessary for the purposes they were called upon to execute, and, on the other hand, to bring the process by which they were increasing their indebtedness clearly and properly before that House, and to do so annually in each Session of Parliament. It was, however, important to bear in mind that a great proportion of the services—such as education and sanitary improvements—for which local authorities incurred debt were rendered for Imperial reasons and by Imperial legislation. It was therefore quite reasonable that the Imperial authority should assist the local authority not only in the way of direct subventions, but also by facilitating the borrowing of money and by putting their operations on such a footing as might best guard against abuse. With that end in view the Government had introduced two Bills—one relating to the Public Works Loans Commissioners, and the other to Local Authorities’ Loans. What the Government aimed at was, in the first place, to secure the Treasury against inconvenient, inexpedient, and irregular calls being made upon it through the Public

Works Loans Commissioners. Public Works Loans were what might be called the "rage" of the present day—everybody who had an improvement to propose or new legislation to suggest turned to the Public Works Loan Fund as the means by which the thing was to be done; and the right hon. Gentleman the Member for Birmingham had given Notice of his intention to introduce a Bill, the effect of which would be to plant colonies in different parts of Ireland for the purpose of cultivating the waste lands of that country, for which, of course, he would require loans of public money in advance. As the guardian of the public expenditure, he (the Chancellor of the Exchequer) was bound to see how the system would work, and he therefore endeavoured to make these calls more regular. That was one object they had in view. Another, as he had already explained, was to bring before Parliament, and through the action of Parliament to bring before the local authorities themselves, the progress of local borrowing and expenditure; and in connection with that the Government proposed to introduce also the principle of audit. In that way he believed they would pave the way for a steady and progressive improvement in our local financial system. Now, they were told they were not doing anything for local self-government. Well, it was perfectly true that they were doing little or nothing in that matter; but the fact was that what they had found in connection with all such schemes of local self-government was, that they were used much more as instruments to create demands upon the Treasury than as schemes to carry out the objects for which they were ostensibly projected. It would certainly be possible to bring forward some ingenious plan for reconstituting the local authority of the whole country which might make a great sensation, and afford opportunity for declamation and display; but he very much doubted whether any great good would be effected in that way. Far better would it be to throw as much light as possible on the subject, and to facilitate the improvement of the existing machinery. By that means he believed it would be found that an improvement of the system could be effected without any violent organic changes. At the same time, it must be understood that Her Majesty's Govern-

ment would not decline, when the proper time came, to consider the measures which would have to be undertaken in reference to the improvement of the local constitution of the country. There could be no doubt that one of the most important measures which would have to be undertaken at an early date was a Bill for a fresh valuation—a measure which lay at the foundation of all improvement in local taxation. In the present state of Business in the House it would be impossible to have undertaken such a Bill with any prospect of carrying it through Parliament, without, at the same time, setting aside other measures which seemed to the Government more pressing and more important, but it would not be neglected. There was also great room for improvement in the mere matter of re-arranging questions of machinery; but time would also be required for this, and meanwhile it would be wiser to accept an instalment of reform than none have at all. He, therefore, thought the House would act unwisely if, at the bidding of the hon. Member for Hackney, it rejected a measure introduced with an object which he believed approved itself to every hon. Member of the House as a foundation for further improvement, merely because everything was not done that the hon. Member thought ought to be done. He would wait, for the House would speedily hear from the hon. Member such arguments as he had to adduce; but, whatever course the debate might take, he would ask the House not to be in a hurry to adopt their adversary's plan rather than that of the leaders and planners of the campaign. The right hon. Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Chancellor of the Exchequer.*)

MR. FAWCETT, in rising to move as an Amendment—

"That, in the absence of other and adequate proposals for the reform of Local Taxation and Local Government, this Bill cannot be regarded as meeting the necessities of the time or the expectations which have been raised by Her Majesty's Government, and this House is of opinion that further delay of legislation on these subjects is calculated to impede the social and economic progress of the Country,"

said, he regarded the present as an appropriate occasion on which to bring

forward the question of local taxation and administration, because the present Bill was, as far as he could ascertain, the only one of four measures referred to by the Prime Minister on the opening night of the Session, as likely to be introduced by the Government in order to deal with local taxation, which had up to the present been introduced to Parliament. Although it was not desirable to lay too great stress upon the professions of a Party when in Opposition as compared with the performances of that Party when in office, yet he might be permitted to remark that if such inconsistency was allowed to go beyond a certain limit, no inconsiderable harm might be done to the reputation and character of that House. When the Party now in power was striving for office at the last General Election there was not a voter—at all events a county voter—who was not asked to believe that when the Conservatives came into power the question of local taxation and local government would not be nibbled at, but would be taken up and dealt with in a comprehensive spirit, and, in fact, he believed that many men who had been Liberals voted for Conservative candidates in order to secure that reform. But the Government must know perfectly well, if they watched the signs of the times—the recent election in Wales for instance—what was beginning to be the feeling of the constituencies in reference to the manner in which the promises of the Conservatives had been kept. The right hon. Gentleman the Chancellor of the Exchequer had told them that the difference of principle between him and the late Government was, that he wished to determine his policy first and arrange his machinery afterwards. It was not for him (Mr. Fawcett) to defend the late Government, its Members were well able to defend themselves; but it was open to an independent Member to ask whether the present Administration had given any sign of possessing a policy at all with reference to local taxation and administration? They had, it was true, made certain grants to local rates, and intended to make more, for the Chancellor of the Exchequer had informed the House that further grants were to be given from Imperial funds in aid of local taxation, and he had also announced a scheme for the reduction of the National Debt; but

it had also been made clear that on the Budget of the year the right hon. Gentleman had not a shilling to spare. That threw new light on the financial proposals of the Government, for it was well known that the present grants in aid of local taxation must at least be doubled in order to carry out the principle of what was known as Sir Massey Lopes' Resolution. It might be all very well to make these grants, but if made in a partial, haphazard, and spasmodic way they were likely to injure the principle of local self-government, and at the same time to perpetrate great injustice. He had a vivid recollection of complaints made from the Opposition benches by right hon. and hon. Gentlemen now in power about the way in which personal property escaped taxation, and the burden was thrown upon land, houses, and business premises. One of the most prominent among the hon. Members making those complaints was the hon. Baronet to whose Resolution he had just referred. He spoke then as if those he represented were suffering under a keen feeling of injustice and wrong; but they never heard his sweet voice now. He had been so securely silenced that he was obliged to see the very wrong he so often denounced greatly aggravated and intensified. Last year in his Budget Speech, the Chancellor of the Exchequer admitted the justice of the complaint, and laid down the sound principle that as you could not get direct contributions from personal property to the local rates, you should make it contribute to the Imperial Revenue, and then pay it from that source to the local finances. Having laid down that doctrine, what did the right hon. Gentleman do? He was a Member of a Government which sanctioned proposal after proposal throwing new charges on the local rates, and he accompanied these new charges, not with any attempt to make personal property contribute more to the aggregate taxation, but with positive proposals to diminish the taxation on personal property to the amount of 33 per cent. He would show by an example how these grants in aid of local taxation from the Imperial funds, instead of diminishing the burden on the most overburdened ratepayers, greatly intensified the injustice under which they suffered. He would put a case—Suppose a clerk, a clergyman, or a half-pay

officer with £200 a-year. He had to keep up a respectable appearance on that income. He paid £30 for his house and £8 a-year in rates. Contrast his position with that of the fundholder of £20,000. He had a very small establishment. Everything that was done—whether to make the life and property of the wealthy fundholder more secure, to make the city in which he dwelt more healthful, by embanking rivers or sewer-ing streets—to every one of those objects the poor man, with his £200 a-year, had to contribute, while the wealthy fundholder almost entirely escaped contribution. But to go a little further, this injustice was accumulated. Where did these grants from the Consolidated Fund come from? They were not a bounty rained down from heaven; they represented taxation, every sixpence of which was taken out of the taxpayer's pocket. Five-sixths of the entire Revenue were raised from taxation on commodities; five-sixths of these grants in aid were therefore paid by the consumers of commodities; and therefore, if they increased those grants in aid at the same time that they diminished the taxation on personal property, they very largely increased the burden of the already over-taxed ratepayers. Who contributed most, in proportion to his income, to the taxation on commodities? The man with moderate means. Every article almost consumed by men of moderate income was far more heavily taxed than the articles consumed by the wealthy. Beer and cheap claret paid a much higher percentage of taxation than the best clarets and the more expensive wines. Tobacco was taxed 400 per cent, while the best cigars were taxed only 25 per cent. The best tea was taxed not more than 15 per cent, while the poorer sorts were taxed 45 per cent. Therefore, if the grants in aid from the Consolidated Fund were increased, it was easy to see that they did nothing to relieve those most in want of relief, but that they rather increased the existing inequality of taxation under which they suffered. Leaving what the Government did last year, he would now come to its proposals for the present year. The Chancellor of the Exchequer had said that the discussion of this Bill would probably be lost sight of in the general discussion; but, for his own part, he (Mr. Fawcett) thought he should deal

with it as amply as the right hon. Gentleman could desire. What the House had to consider was this—Did this Bill give any security for future reform? Did it lay down any basis on which a superstructure of future reform could be raised? In the first place, what did the Bill not do? It did not touch the incidence of local taxation. It did not deal with the subject of local self-government. It did not do a single thing to check increasing expenditure. It did not provide one single guarantee for economy, but, on the contrary, it was likely to lead to great extravagance. It facilitated borrowing on the vicious principle, that in the present state of taxation, the entire burden of the loans should be thrown on the occupier as distinguished from the owner of property. It did not deal in the slightest degree with the areas of rating, so as to make them less confused. It did not seek to introduce any new principle of uniformity in the assessment or in the valuation. It did not attempt to remove a single iota of the existing chaos with respect to the local government. On the contrary, the Bill was accompanied by a great mass of legislation which would throw additional work on the already overburdened local authorities. And yet this was the chief measure introduced by the Government on local taxation—professing to deal in part, at least, with a subject which, to use the words of the Prime Minister, probably involved one of the greatest violations of justice that could be conceived. The Chancellor of the Exchequer also told them that local taxation was an object of the highest national importance; and he followed up that statement with the remarkable declaration, that at the present moment local taxation was in a worse position than indirect taxation before Sir Robert Peel began his great reforms. When they remembered these declarations, the House would agree with him that the Government were trifling with a great question—they were not touching the source of the evil they admitted, and were intensifying much of the injustice they had themselves so often denounced. But, now, according to the Amendments, of which Notice had been given by two hon. Members on the Ministerial side of the House, it seemed that this excuse was going to be set up for the Government—and it had been hinted at by

the Chancellor of the Exchequer in his speech—"Oh," he said, "we want time; our plans are not matured!" "Want time!" "Our plans not matured!" What was the plan of the same party when the late Government was in office? Everything was to give way to the reform of local taxation and local government. The Conservative Party said that the measures of the late Government were on too great a scale, and that that was one of the reasons why it lost the confidence of the country; but they never lost an opportunity of declaring from the Opposition Benches that the subjects of local taxation and local reform were subjects of such urgent importance that they ought to have priority of everything else. Working up by degrees, how long would it take to reach anything worthy of attainment at the present state of progress? They might as well be told to wait for the journey of a tortoise from John O'Groat's to the Land's End. Now that the Conservatives had come into office, they seemed so paralyzed with inactivity, so destitute of motive power, that they could only gratefully accept a crumb of assistance from whatever quarter it was offered, and the only thing they had done with regard to local taxation was to adopt the measure originally introduced by the right hon. Member for Halifax (Mr. Stansfeld)—a Bill which in his hands had been contemptuously rejected almost without discussion. Right hon. Gentlemen opposite were, no doubt, accustomed to startling statements; but he ventured to think the Chancellor of the Exchequer was never more surprised than when he heard this modest, unpretentious Bill—a measure introducing some administrative changes—a mere Treasury Bill—suddenly raised by the Prime Minister into national importance as indirectly connected with the question of Local Government. The Bill was happily described as homœopathic, and as a Cambridge man he approved the simile which was used when it was said that the Chancellor of the Exchequer, in attempting to make a mountain out of this little molehill, displayed that peculiar kind of analytical power known to mathematicians as calculating the effect of a small disturbing body on objects of much greater magnitude. What did this Bill amount to? It was said its object was three-fold—first, to give timely notice to

the Treasury of the demands to be made on it for loans; secondly, it dealt with what was known as the unexhausted credit system of the Public Loans Commissioners; thirdly, the loans were to be consolidated so as to form a sort of local budget. All these objects of the Bill, as departmental changes, were good enough in themselves, but was it not extraordinary that the Government should endeavour to palm off a measure of this kind, which was nothing more than an attempt to deal in a small way with local administration as being one of the utmost importance to the country? If, however, the Bill was as important as Her Majesty's Government represented it to be, why had it been introduced by the Representatives of the Treasury instead of by the Minister in that House who was responsible for the local government of the country? It became evident from the very first hour that the present Government came into office that, having risen to power by the cry of local taxation, they were going to perform the old feat and kick down the ladder by which they had ascended, because the very first thing they did was to cast a most unusual and unwonted slight upon the Department which was responsible for that local taxation and self-government to the country. For many years previous to the accession of the present Government to power, the Minister of that Department had always been a member of the Cabinet; but the right hon. Gentleman who now presided over the Local Government Board with so much ability was not admitted to a seat in the Cabinet. He was not about to repeat the various rumours that had reached him on the subject; but he might point out that if the head of a Department were not in the Cabinet, the Department was in danger of being ignored, and he was divulging no official secret when he stated that the slight thus cast upon the Local Government Department had been most rightly and keenly resented by those who seemed most interested in its successful working. The Chancellor of the Exchequer had said that the result of the measure would be that a complete local budget would be laid before that House, something after the manner of the Indian Financial Statement; but the truth was, that as only a very small portion of the sums borrowed by the local authorities was lent by the Government,

*Mr. Fawcett*



the local financial statement to be made under this Bill would present a most delusive and misleading view of the real state of affairs for it would deal with only a very small portion of the amounts so borrowed. He feared that if the measure were passed, so far from forming a basis for a local budget, the question of the amount to be advanced to the local authorities would be brought more immediately and directly under the control of party and political influences, and henceforth money would be advanced or withheld, not according to the merits of the case, but according as the Representatives of the borough seeking to borrow were supporters or the opposers of the Government of the day. If that was the case, this was a Bill which, so far from being any reform, was calculated to produce the most mischievous results upon Imperial and local finance, for these loans ought to be granted by bodies as far as possible independent of political influences. No language was too strong to describe the admirable manner in which the Public Works Loan Commissioners had hitherto done their duty, and they had not been influenced by political or Party considerations. Further, except when they had been interfered with by Parliament, they had, during the course of the 30 years they had been in existence, never lost a shilling by bad debts. Nothing more mischievous could be done to Imperial and local finance than to let political influences, which must necessarily be powerful in that House, have the least weight in deciding whether loans should be granted to local authorities, and at what rate of interest. The Chancellor of the Exchequer had said it was impossible to take up the whole subject in the present crowded state of the Order Book. The question, however, was not whether the Order Book was or was not crowded, but whether the Government were pursuing the right course in their ordering of Public Business, or whether, indeed, they were pursuing the course which they themselves had said ought to be pursued. The Government had this Session pursued a course of business exactly the reverse of that advocated last year by the right hon. Gentleman, when he said that if they attempted to carry out sanitary and educational measures and schemes for improving the dwellings of the working

classes and encouraging providence through friendly societies, while, at the same time, they left the system of local taxation and government unreformed, they would meet with resistance from the local authorities, and would not receive that willing co-operation which was essential to the success of such measures; and the question was whether they were right in doing so. What was the present position of the question of local taxation? The great increase in local taxation had been caused chiefly by perpetually calling new rates into existence, and he would prove how peculiarly unjust was the system of throwing every shilling of the capital and interest of loans for public works upon occupiers and not upon owners. He would take the Artizans Dwellings Bill as an illustration of his proposition. The right hon. Gentleman the Home Secretary said, that although the Bill would, in the first instance, involve a considerable charge in order to carry it into execution, yet the ratepayers would ultimately be remunerated and recompensed even in a pecuniary sense. Admitting that statement to be strictly accurate, what did it amount to? Supposing £600,000 were required to be raised in order to provide dwellings for the working classes, it must be borrowed on the principle that the whole of the money, principal and interest, should be repaid in 21 years. To do that, it would be necessary to impose a shilling rate, the result being that at the end of that term, the municipality would, according to the supposition of the Home Secretary, find itself in possession of a property worth £800,000. But every shilling of the additional rate would have been paid by the occupiers, while not a farthing would have been contributed by the owners of buildings, or by the owners of the land on which they stood. If, then, the occupiers had given to the municipality a property worth £800,000, the rates would be reduced; if the rates were reduced, rents would be raised; and it came to this—that the occupier of a house would be rated in order to enable the owner ultimately to put the money into his own pocket in the form of increased rent. It was difficult to imagine anything which involved a greater infringement of the principles of financial justice. There could be no doubt that if, for the sake of effecting any improve-

ment, money was borrowed and a new rate imposed to pay the principal and interest of the loan, every shilling of the rate would be paid by the occupiers as distinguished from the owners of farms, houses, and business premises. To bring out the point in a still more striking light, he would state another case which was not an imaginary one. It represented a bit of real life in a parish not very far from the place where they were assembled, where there was a clergyman whose tithes had been commuted for £700 a-year, a non-resident landlord, whose income was supposed to be £10,000 a-year, and who had two farms which were let on long leases. There was also a wealthy stockbroker who rented for £200 a-year the mansion of the non-resident landlord. In consequence of a sum of money having had to be borrowed in order to put the roads in a good state of repair and to make new roads, a shilling rate was to be imposed for a considerable number of years. In what proportion was that shilling highway rate paid? The farmer paid £50 a-year, the non-resident landlord did not pay a halfpenny, the clergyman who kept one carriage paid £35 a-year, and the wealthy stockbroker with, perhaps, £20,000 a-year, and who kept six or seven carriages, paid only £10 a-year. It was impossible to conceive any instance of a more flagrant character, and he did not see how they could be surprised at the opposition shown by local authorities to the imposition of new rates. Did Her Majesty's Government think that their best supporters, the farmers and clergy, would be satisfied, when suffering under such grievances, with a petty proposal for altering in an unfortunate way the relations between the Treasury and the Public Works Loan Commissioners? The Chancellor of the Exchequer was doubtless correct in his statement that that resistance of the local authorities to the imposition of new rates would be so formidable as to prevent that local agency and co-operation without which almost all our efforts at social reform would come to naught. It was equally beyond dispute that the headquarters of the agitation on local taxation had been the Local Taxation Committee of the Central Chamber of Agriculture, and he wished to direct attention to the constitution of that Committee because it might almost be said to wield Minis-

terial power. It included 62 influential supporters of the Government in the House of Commons, and no fewer than 13 Members of the present Government were members of it. The Marquess of Salisbury was a member, and so was one of the Secretaries to the Treasury, who acted as Government Whip; and if he were to go through the entire list, it would be seen that the Government were bound hand and foot not to do anything displeasing to that committee, which recently issued an instructive and significant report, congratulating its supporters on the circumstance, that in five years it had caused to be withdrawn, defeated, or altered no fewer than 35 out of 41 measures, because they imposed new charges upon the rates. The Chancellor of the Exchequer had said that that ought to teach us a lesson with regard to the inertia and resistance we should meet with from local authorities, as long as our present system of local taxation and local government remained unformed; but yet the right hon. Gentleman had not done what might have been expected to neutralize it, for they had been constantly asked to pass Bills which imposed new charges, and the object of his Motion was to remind the Government of the lesson they ought to have learned. He would turn to the Artisans Dwellings Bill, respecting which, the House would remember, there was a strange mystery about the Home Secretary's declarations with regard to it. He (Mr. Fawcett) could never understand why permission should be given to abolish rookeries only in towns containing 25,000, or more, inhabitants; but the report of the Local Taxation Committee let the secret out. That Committee said they would have opposed the Bill, on the old principle that it imposed new charges upon rates; but they refrained from doing so, because it was only permissive, or, in other words, because it was worthless in its character, and only applied to the large towns. He could give another illustration. He had in his possession the report of a most influential meeting held the other day at the Central Chamber of Commerce, which was presided over by a great Friend of popular education—one who, he willingly confessed, had rendered great services to that cause; he meant Lord Hampton. Some Members of the present Govern-

supporters were also present. What was the language employed at that meeting? "Desirable," it was said, "as we consider to be the spread of education in the rural districts, we are determined to resist its spread if it involves any additional charge upon the rates, as long as the systems of local government and local taxation remain in their present position." Did not such language, coming from such a quarter, solve another mystery? He was bound to say that nothing had caused many hon. Members at that side of the House so much disappointment as the strange disinclination shown by the noble Lord the Vice President of the Council to do anything for education in the rural districts; but no one would be so unjust to the noble Lord as to suppose that he was less anxious now for the spread of rural education than he was formerly. The fact was, that he could not now do anything to promote it. He was a member of the local taxation committee, and knew that if he proposed to do anything with that view, in the spirit of that language, he must be prepared to meet the ratepayers' opposition, and the opposition of the Committee of which he was a member. Well, he (Mr. Fawcett) had already shown the injustice of throwing the entire burden of new local taxation upon one kind of property. Since 1841 no less than £6,000,000 was raised annually in England and Wales, in consequence of new charges upon the rates brought into existence by the House of Commons. Within the last few years they had called into existence 12 new rates, and now another was added. What was the present position of Imperial as compared with local finance? In the case of the former they had had constant remission of taxation, amounting to £27,000,000 in 17 years, or at the rate of £1,750,000 a-year, accompanied by a reduction of Debt; in the case of the latter they had had within 20 years an increase of taxation to the extent of 8 per cent, and the enormous debt created of £80,000,000, which was being added to at the rate of about £3,000,000 a-year. In the metropolis, in one year, within 20 per cent as much was raised by loan as by taxation, and the whole debt of the Metropolitan Board was borrowed on the principle of paying off the total amount of the loans and the interest within a certain number of years. That debt amounted to

no less than £9,000,000, and by the principle of payment the house occupiers of London would have to pay the entire debt, in order to make a present of it to the owners of property. But a still greater difference between Imperial and local taxation was shown by this fact—Supposing that any great loss were sustained in the Imperial finance, the attention of the whole country was directed to it, but deficits in local taxation attracted little attention, and though the loans raised were increasing in amount, as were the amounts collected under this head, little notice seemed to be taken by the country generally. Everything connected with it was in such confusion; its administration was so complicated; there were so many authorities and systems of collection that it was impossible for the ratepayers to know what was taking place, or to exercise any sufficient control. In fact, local government and local taxation were so indissolubly mixed up together that the one could not be reformed without the other being also dealt with; and he contended that no attempt to reform local taxation would produce any permanently good effect unless it was accompanied by a reform of the local government under which those taxes were levied. An impression seemed to prevail amongst many persons that this question of local taxation applied only to the residents in the rural districts, or that it had very little to do with the inhabitants of the towns; but that was a mistake. The whole country was almost equally interested in it; but if there was a distinction it was a graver question for the towns than for rural districts. Of the new charges imposed since 1841, amounting to £6,000,000, three-fourths had been borne by the towns. The relative contribution to local burdens by land and by houses was constantly altering. In 1814, seven-tenths was borne by land; in 1842, the proportion had sunk to one-half, and it was now one-third. In 1814, three-tenths was contributed by houses; in 1842, four-tenths; the proportion was now half. It came to this—that whereas in 1814 land contributed 100 per cent more than houses to local taxation, at present houses contributed 50 per cent more than land. Again, rates, as a general rule, were twice as high in large towns as they were in rural districts. He

would take the case of four counties, represented by four distinguished local taxation reformers. In South Devon the rates in the rural districts were 3*s.* 2*d.*; in Plymouth they amounted to 6*s.* 10*d.* The rates in the rural districts of Wiltshire were 3*s.*; in Salisbury they were 7*s.* 10*d.* In South Leicestershire the proportion was 4*s.* 4*d.* as compared with 8*s.* 7*d.* in Leicester; and in Norfolk 3*s.* 1*d.*, as compared with 7*s.* 1*d.* in Norwich. He adduced these facts to show that nothing could be a greater delusion than to suppose that this question was of greater interest for rural districts than for the inhabitants of the towns. There was an unfortunate impression that prevailed upon the subject, for it was by some supposed that although local taxation was increasing in England, it was not augmenting in proportion to the general wealth of the people and the number of houses. He found, however, that in the parish of Liverpool since 1841 the contributions levied from each ratepayer had increased by 340 per cent. In some of the suburban districts the rates of increase had been 300 per cent. Great as had been the increase it had been inadequate to meet the increase of expenditure, for there had been added to the debt of Liverpool in 30 years an augmentation of 360 per cent. Anyone who looked into the system of local government would find that every guarantee for economy was destroyed, and all administrative efficiency taken away, and unless those were supplied by an improved system of local government it was impossible to reform local taxation. What occurred in town and county respectively? In towns there were usually four rating authorities—the town council, the local board of health, the board of guardians, and the school board. These authorities employed in some places a different basis of assessment and valuation; and further, the rates were collected by different officials, and at different times. There was no reason why the Government should not have introduced a Bill putting all this upon an equal basis. The position of the counties was in some cases better, in others worse; but generally there was great confusion of areas and not the smallest share of representation on the part of the ratepayers. The farmers must have expected that on the first day of the Session the present Government

would have brought in a Bill establishing financial boards for county expenditure; but they did not seem likely at present to get the smallest shadow of representation in expending the county rates. In counties there were three authorities—the highway board, the Poor Law guardians, and the county magistrates. What, however, was worse than this conflict of authorities was the indescribable confusion that prevailed in everything connected with the taxation and assessment of property. A former Member of that House—Sir Edward Kerrison—had in an extremely able letter pointed out that there were three different bodies to levy the rates and taxes on property, and three different principles of assessment—namely, the commissioners of property tax, the assessment committee for poor rates, whose action varied in every union, and the committee of quarter sessions for the county rate. Sir Edward Kerrison said that one simple reform would be to adopt one uniform principle of valuation, and to get rid of the waste and loss of efficiency from having so many conflicting bodies. Besides, these local authorities often had to administer statutes which absolutely baffled interpretation. Mr. Justice Wightman, in deciding a case as to rating waterworks, said that it was absolutely impossible for any person in the world to interpret the statute, and he added that he thought it quite as likely that his decision was wrong as that it was right. This local taxation was not a mere fiscal matter, and he would show that it had a serious bearing upon the social, as well as the fiscal condition of the country. The Chancellor of the Exchequer, in his Budget Speech of last year, referred to the wonderful prosperity of the country and to the great reduction of taxation; and he went on to say that there was one dark and dreadful blot in our social condition—namely, that the country was at the present moment spending more for the relief of the poor than before the great financial and commercial reforms of Sir Robert Peel. The right hon. Gentleman (Mr. Gladstone) had also spoken of our prosperity increasing by “leaps and bounds,” and yet the unprecedented accumulation of wealth was powerless to arrest the increase of pauperism. This growth of pauperism was intimately connected with

the system of poor relief. Whenever a check was put upon out-door relief, pauperism declined; but whenever out-door relief was encouraged, the people were demoralized. The Irish were generally regarded as a thriftless people, and the Scotch as prudent and careful, and yet because out-door relief was given in Scotland with a lavish hand there was in Scotland five times, and in the Highlands of Scotland 12 times, as much pauperism as in Ulster and Connaught. In some parishes of Scotland 1 in 8, 9, or 10 of the population was in the receipt of parish relief; and in some of the rural districts of England where out-door relief was allowed, 1 in 12 and 1 in 14 of the population were paupers. Contrast this with the remarkable decline of pauperism in London. The House had often heard of the pauperism of the East End, but there was less pauperism there than in almost any other part of England. While in the rural districts 1 in 14 were paupers, in Bethnal Green only 1 in 39, and in Shore-ditch only 1 in 44 were in receipt of parish relief. The reason was that out-door relief had been discouraged in the metropolis by a Bill brought in by the right hon. Gentleman the Member for the City of London (Mr. Goschen), which made it the interest of the parish authorities to give as little out-door relief as possible; and so well had that Act worked, that the Local Taxation Committee were of opinion that if a similar scheme were adopted for the rest of England equally satisfactory results would follow. The subject had, therefore, something more than a financial bearing, but went down into the social and moral condition of the people. The Government had excused themselves by the plea of want of time for not giving their attention to this important subject. That, however, could not be the case, because last Session they had such an abundance of leisure that night after night they occupied their spare time by attempting to pass a measure they did not understand. Surely, when they could restore the semblance of Purchase in the Army, they could have contrived to give the agriculturists some share of representation in connection with local taxation. He would not do the Government so much injustice as to suppose they had no plans ready, and that after years of clamouring about local taxation, they were in entire igno-

rance of what was required to provide a remedy for a state of things they had so repeatedly declared to be fraught with injustice. He was not going to explain their strange inactivity; all he would say was that he believed it was an inactivity which would not meet with the approbation of the country. He had had frequent occasion to refer to the Local Taxation Committee of the Chamber of Agriculture, and he could assure the House that their reports were a perfect mine of information. Before he sat down he should like to refer to a speech which only a few weeks since, in April last, had been given by an hon. Member whom they all highly respected, and who was regarded as a great authority on the subject of local taxation—namely, the hon. Member for South Leicestershire (Mr. Pell), who was Chairman of that Committee. That hon. Gentleman said, at the close of a very able speech—

“That it must not be supposed because he was a Tory he was prepared to make any concession to the present Government on the subject; on the contrary, he should pursue exactly the same course in respect to it towards Mr. Disraeli that he had adopted towards Mr. Gladstone,” adding that “he was by no means satisfied with the time which had been taken up by the present Government in reference to it.”

Those remarks had been made only a few weeks ago, and yet not much had been done in the matter since that time. But the hon. Gentleman went on to say that—

“He should take every opportunity in their name of expressing the dissatisfaction which they felt not only by words, but by taking every opportunity of dividing the House, even if only 10 Members went with him into the lobby.”

That remark was received by the meetings with cries of “Bravo,” in which the Members of the Government who were present, it appeared, heartily concurred. The hon. Gentleman concluded his speech by some observations which excited the enthusiasm of the assembled farmers. He said—

“If I do all this, you must do something in return, and if you only support me as you supported Sir Massey Lopes, we shall bring this question well under the notice of Her Majesty’s Government.”

Now, it would, he felt, be presumptuous on his part to add a single word to so forcible an avowal of opinion and so admirable a declaration of policy, and he would conclude with the words adopted by the Local Taxation Committee, to



further progress in the same direction. Though there was much in it which demanded reform, it must be allowed that local taxation had within itself elements of great advantage to the nation. It was intimately bound up with self-government—a principle of which it was impossible to speak in terms of too high praise, which stimulated all loyal citizens to devote themselves to the various departments of local administration, which brought about a mingling of classes united to consider subjects of common interest, and in which the humblest ratepayer had as great a right to be heard as the noblest in the land. There was much danger in that constant professorial craving after an Utopian optimism, which seemed to expect that everything should be done, and that everything should be done at once. That cry was generally linked with another—that the Government should step in and do everything. Now, he viewed with profound suspicion every attempt to introduce the Imperial finger into the local pie. Nothing should be done tending to interfere with or destroy the principle of local self-government. The hon. Member for Hackney said the Government were inconsistent and had not fulfilled their pledges, so that they could not be looked to for relief. But could the late Government be looked to? There, at least, was a Government which had done nothing, while the present Government had done something. More than 20 years ago the Premier, to his great credit, was the first statesman to direct attention to the subject of local taxation, and, equally to his credit, he had been the first statesman to deal practically with the question and give some relief to those who bore this burden. He (Mr. Paget) did not desire to over-estimate the good works of the present Government—he was fully aware of all the difficulties and intricacies of this important subject—he knew its details far too well not to feel sure that it would tax, and tax severely, the energies and abilities of the strongest Government. What local taxation reformers desired was nothing but straightforward justice. The question was an intricate one. He desired that it should be settled on the old-fashioned principles laid down by Adam Smith and endorsed by the right hon. Member for Birmingham (Mr. Bright)—“that every man and every

description of property should be called upon in just proportions to support the burdens and meet the necessities of the State.” Looking to the antecedents of the Ministry, at what they had done and were doing even in the Bill now before the House, he was sure that they were both able and willing to deal with this question fairly, and therefore he felt satisfied that those who wished for reform in the matter of local taxation would do well and wisely in leaving their interests in the hands of Her Majesty's Government.

MR. RIDLEY said, that he had placed on the Paper an Amendment, in the event of the Amendment of the hon. Member for Hackney (Mr. Fawcett) becoming a substantive Motion, to the effect—

“That, inasmuch as Her Majesty's present Government have during their tenure of office recognized to a greater extent than any previous Administration the necessity of redressing the inequalities and anomalies of Local Taxation and Local Government, it is, in the opinion of this House, inexpedient to hamper or embarrass their action in this direction.”

He had been told by some of his Friends that the words of his Amendment expressed too great satisfaction at the conduct of Government in the matter. Such, however, had not been his intention. His object, in the first place, was, from an independent point of view, to challenge directly the obstructive Amendment of the hon. Member for Hackney, so as far as possible to prevent the Government from being pressed too hard or too prematurely, and, at the same time, to encourage them to persevere in a prudent and practical manner in the course upon which they had entered by that kind of gratitude known as a lively sense of favours to come. The Successors of the late Government had acceded to power pledged to a greater extent than their Predecessors to reform in the matter of the local administration of taxation; and, therefore, when upon the Motion for the second reading of this Bill they were met by an Amendment which imputed to them a want of policy, it appeared to him that a comparison between the conduct of the late and the present Government in that respect became inevitable. Since 1868 there had been a succession of measures introduced on the subject by the right hon. Member for the City (Mr. Goschen) and by the right hon. Member for Hali-

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go further in the same direction, without in any degree impairing efficiency of administration or encouraging extravagance on the part of local authorities. With regard to amalgamating and improving the administrative authorities throughout the country, that was a point to which they ought to attach considerable importance. No time should be lost in attempting in some way or other to bring men who were capable and willing to act in the country into one common centre and means of action. He looked forward to seeing at some future period the financial departments of our quarter sessions re-constituted and the county financial boards so constituted as that they should be the mainspring and centre of all our local government in the counties. That was a principle which had been advocated by men of all political parties. It should, however, be kept in mind that in his own county—and the same might be said with equal justice of other parts of the country—nothing could exceed the laborious and painful regard to economy with which the accounts were supervised; nor did he think the ratepayers could secure by means of any representation on county financial boards better or more economic management. In conclusion, he would simply observe that, though deeply interested in agricultural matters, he should be sorry to be supposed to advocate the taking of rates from one class of property and placing them on another. It was an established fact in political economy that in order to secure equality and uniformity in taxation it was only necessary that there should be an equitable and uniform assessment upon all classes of property subject to taxation, and he urged the levying of taxes in such a way that ultimately the largest producers and consumers would become the largest taxpayers.

GENERAL SIR GEORGE BALFOUR regretted the deserted state of the House on the discussion of a subject of so much importance to the country. He did not propose to speak on the subject of local rating, which had been introduced by the hon. Member for Hackney as an Amendment to the Motion of the Chancellor of the Exchequer further than by saying that with regard to local taxation, he strongly condemned the present system as being a mass of confusion and involving a great deal of unnecessary

expense. In respect to the Public Works Loan Acts Amendment Bill, of which the right hon. Gentleman had moved the second reading, he contended that the Government scheme, as at present drawn, affected the independence of the Public Works Loan Commissioners, and exposed the Treasury to the temptation of giving grants for political ends. With respect to the two Loan Bills, he was glad to hear that they were to be referred to a Select Committee, which he thought was a very wise course on the part of the Chancellor of the Exchequer. Great advantage to the country would result from a well-considered arrangement for granting loans on guarantees which, though not acceptable to bankers and others, might be safely accepted by Government. He would suggest that the Chancellor of the Exchequer should annually, at the beginning of the year, assign a lump sum to the Commissioners for them to issue during the course of the year in the shape of loans to parties able to give the required guarantees, so that upon satisfactory security being given, advances might be made as soon as applications to borrow were received. Such a course would obviate the great delay which so often occurred in connection with these transactions, and which were so much complained of. The mode in which the Chancellor of the Exchequer proposed to have the Estimate of the loans in the year ensuing detailed, must involve the delay of a year. It was of the utmost importance that immediately the localities could arrange for the final carrying out of any project, the loan should at once be granted by the Commissioners, on their own responsibility, without the necessity of applying to departments for authority. Even as matters stood, he thought that there was too much tendency on the part of the Board of Trade to usurp the place of the Public Works Loan Commissioners, and he considered that the Bill now before the House erred in that direction. On the whole, he thought the measure would prove advantageous, in that it would, if the details mentioned were removed, encourage and render comparatively easy the construction of public works of great public utility.

MR. J. R. YORKE said, the measure before the House, though estimable in itself, did not strike him as being ade-

*Mr. Ridley*



quate to meet the expectations which had been raised by Her Majesty's Government. He could not, therefore, go the length of the Amendment which had been placed on the Paper by his hon. Friend the Member for Mid-Somerset (Mr. Paget). His hon. Friend the Member for North Northumberland (Mr. Ridley) had given Notice of an Amendment affirming that the present Government had recognized to a greater extent than any previous Administration the necessity of reducing the inequalities and anomalies of local taxation and local government. This statement might be perfectly accurate; but, giving the Government the full benefit of the terms of the Motion, he thought it was not worth much. On the whole, he should have felt inclined to vote for the Motion of the hon. Member for Hackney (Mr. Fawcett) if it had proceeded from a less exceptional quarter, and had it not been inconsistent with former utterances of the hon. Gentleman. He could not disguise from himself that the hon. Member had, even during the present Session, given evidence of a disposition not to alleviate the grievances to which ratepayers were subject, but in so far as in him lay to aggravate them. This was particularly the case with the proposal of the hon. Member to throw the cost of elections upon the taxes. While he declined to entertain the hon. Gentleman's Motion, he must say he regretted that they who had the good of the local taxpayer at heart had been left to fight the battle, as it were, with the rank and file. The right hon. Gentleman at the head of the Government appeared to have followed the example of one of the Kings of Rome, who, when an Ambassador came from a neighbouring Monarch to consult him as to the best way of putting down sedition, took him into his garden and cut off the heads of the tallest lilies. He had made a bouquet of the choicest flowers in the local taxpayer's garden, and had transferred them to the garden of the Treasury Bench, where they

"blushed unseen,

Wasting their sweetness on the desert air."

But they who remained must fight as well as they could, endeavouring when they thought the Government oblivious of their engagements to interpose and remind them of the position of the case. The whole of the grievances of the local taxpayers had their origin in confusion.

As time went on the burdens under which they suffered became heavier and heavier, and had it proceeded much longer there was no saying to what length it might have been carried. It was quite intelligible that the payment of the Alabama Claims and the expenditure connected with the Navy and Army should be thrown on Imperial resources; but it was on those intermediate demands, partly Imperial and partly local, that the difficulty arose, and the largest of them was the poor rate. Then there were the improvements which modern civilization demanded. These imposed new burdens on the unfortunate ratepayers—education, turnpikes, gaols, the administration of justice, and even such small matters as vaccination and the registration of births and deaths. The Local Taxation Committee had set their faces against the system of imposing fresh burdens on the rates, and an indiscriminate slaughter had been made of measures which had been proposed with that object. Various measures were suggested, some of them apparently promising—the imposition of an *octroi* indirect tax, such as prevailed on the Continent—locally collected licences, and other plans all of which culminated in the Motion carried by the hon. Baronet the Member for South Devon by his famous majority of 100. Then there was the offer of the house tax by the right hon. Member for the City of London, which though certainly a valuable suggestion, yet in its application it would have been unjust, because it gave to London, which only contributed one-fifth, one half of the rate, and assigned the greatest amount of relief to crowded and dirty districts, where low-class houses and high rates were generally found together. He did not mean to deny that the Government had done something in this matter, but there were plenty of other ways in which relief could be afforded the ratepayers. He did not ask any more at present for lunatics; but he thought the police had had of late become more and more of an Imperial charge; and should be thrown as in Ireland on the Imperial resources. The administration of justice was another heavy item which ought to be provided for from the Consolidated Fund. Last year they had money to afford this relief, and if they had it not this year the fault was their own. The hon. Baronet the Member

for South Devon had in his famous speech asked for the whole charge connected with the administration of justice, half the charge for lunatics, and half that of the police, and the present Government were so far committed, having voted for the hon. Baronet's Resolution. As comparisons had been instituted between the present and the late Governments, he might remark that, although the late Government proposed to consider last of all the question of grants from the Imperial Exchequer, yet their scheme included other subjects which had not been dealt with by the Government now in office. If it was urged that the present Government had not sufficient money at their disposal, he would point out that the two first schemes could be brought in without money. A Valuation Bill and a Consolidated Rate Bill might have been introduced this year by Her Majesty's Government. Again, the Government might have dealt with the chaotic condition of the local administrative units which overlapped and confused one another in so puzzling a manner. And here, in justice, he must say that with respect to what had been done by the late Government, the right hon. Gentleman opposite (Mr. Stansfeld) was the only person who had contributed anything towards reducing the confusion which existed under the present system; because he had brought the administration of the laws affecting health in the country districts into a more intelligible form. That was a point which ought not to be overlooked in discussing the credit which ought to be given to the late Government. The present Government, he trusted, would not mistake the feeling of the country on this subject. The country was under the impression that the Government had been playing fast-and-loose; that they had promised largely, especially before the last General Election, and had not performed what they promised. ["No, no!"] Why, that evening the Chancellor of the Exchequer, though vaguely re-assuring, had given the House no definite account of the policy he meant to pursue. He trusted, however, that before the debate closed a definite statement would be made by some other Member of the Government. If, after all that had been said, the House should separate that Session without hon. Members being enabled by

the Government to make those agricultural orations which would be expected from them by their constituents, he should stand up and say that he was compelled to separate himself from the Government on this question. He was in hopes that another Session would not have been allowed to pass by without something material being done, and he considered that the statement made on the part of the Government that evening was not a satisfactory one.

MR. RATHBONE said, the Chancellor of the Exchequer had remarked that we ought to settle our policy first and our machinery afterwards, but that was precisely what neither the late nor the present Government had done. It was not necessary that the whole of the reform of local taxation and local administration should be done at once; but it was necessary that the Government should form some consistent and intelligible plan; and that they should so far take the House into their confidence as to the general outline of that plan as to enable them to judge whether the measures brought before them to carry it out would really do so effectually; and the Conservative Government ought to undertake this at once, because it had been so much discussed at the last Election, and so many pledges had been given upon the subject, that the country expected it; and they would have the support of public opinion in carrying it out. Then they possessed great advantages in having so many men in their Party, who, as Chairmen of Quarter Sessions and Chairmen of Boards of Guardians, had taken an active part in local administration, and had become thoroughly convinced of the necessity of reform; and they possessed an unusual number of men, disciplined by recent adversity into obedience, who had paid great attention to the question, and the Government would be acting in a spirit of treason to their supporters if, while yet in their youth and vigour, they did not introduce some measure for carrying out such a plan of legislation as was now demanded. The late Government, no doubt, had been accused of "humbugging" the House by leading them to believe that they had a plan in hand, which they did not produce. The consequence was that they only awoke to the importance of the subject when they found themselves not strong enough to carry any measure

*Mr. J. R. Yorke*

of local taxation worth acceptance by the Legislature. Would the great Country Party allow the Government to carry on the same game as the late Government did, and in the end permit them to be turned out of office before this important question was settled? Perhaps, from the necessities of the case, Prime Ministers knew very little of the subject, and the right hon. Gentleman now at the head of the Government so underestimated its importance that he had not given the President of the Local Government Board a seat in the Cabinet, notwithstanding the fact that the well-being of the country depended upon the action and good government of that Board. The present machinery for the carrying on of local government was cumbrous, confusing, and unsatisfactory; for local authorities in the country were, in the first instance, obliged to communicate with the Local Government Board in the metropolis, and after, perhaps, a long correspondence had taken place everything was thrown into confusion, and in the end nothing was done. The statement of a matter might be sent up to the Board, and then an Inspector might be sent down who, if his offices had been made available in the first instance, might have settled the question in 10 minutes. Therefore, while he admitted that there was a fair claim for further concessions in aid of local burdens, he trusted that the Government would give away no more money in that direction until they had promoted, or were prepared to submit, some scheme of reform in reference to the relations which existed between the local bodies and the central authority. In a pamphlet which he (Mr. Rathbone) had ventured to send to Members of the House, he had strongly urged that all capitalists, both the payers of income tax and the owners of real property, should be led, by feeling the direct burthen of local expenditure, to take a more active interest in the expenditure of local funds. He should deeply regret if the Conservative Government were to omit the present opportunity of enlisting their interest in the subject by dividing the rates between owners and occupiers, and giving the former direct representation on the county boards, to which they would in this case be entitled. If this was done, as was the case in Ireland and Scotland, the owners of property in England would, like the owners of property there, take a more active

interest in local affairs. They had better do this at once, for sooner or later they would have to pay the taxes, which, indeed, ultimately fell upon them; and it was far better that they should take that interest before the burden was tied permanently around their necks. Later on they might find they would have fresh taxation put upon them, but without that power which they might now have of controlling that taxation by preventing waste. The Secretary for War (Mr. Hardy) had introduced a plan for the extension of the area of rating. No man understood the subject better than the Chancellor of the Exchequer, and if he and other Members of the Government, some of whom were not in the Cabinet, could only carry out their own views, he believed it would soon be seen that the subjects of local taxation and local government were, in the opinion of Her Majesty's Advisers, worthy of Imperial consideration. Many hon. Members opposite who addressed the House made excellent speeches in favour of the Motion of the hon. Member for Hackney; but he was sorry to say they did not appear to him to be as independent as hon. Members on his side of the House. The speeches made were in favour of the Motion; but the hon. Gentlemen who made them declared their determination to support the Government. For his own part, he did not look upon the question in a Party light at all, and should certainly support the Motion of the hon. Member for Hackney.

MR. BENTINCK believed that hon. Members on his—the Conservative—side of the House were very well able to take care of themselves, but for himself, in dealing with the question before the House, he should do so on its merits, and not as a Party question. The hon. Member for Hackney (Mr. Fawcett) had quoted the speech of the hon. Member for South Leicestershire (Mr. Pell), to the effect that this was not a Party question, and the hon. Member for Hackney supported that view. But then what was the purport of the Amendment he had submitted to the House? There was no affinity whatever between the arguments of the hon. Member and the object of his Resolution. His language was a succession of able arguments in favour of dealing with the question of local taxation; but the obvious meaning of the Motion was, that the present Government should be turned out, and the

hon. Gentlemen on the other side let in. The Motion was simply a Vote of Want of Confidence in Her Majesty's Government. They should deal, therefore, with the hon. Gentleman's Motion and with its obvious meaning and object. For his part, he was no believer in the infallibility of the Government, and he regretted many things they had done; but that was not the question he had to consider. What he had to consider was a choice of evils, and in making that choice, he regarded them as preferable to hon. Gentlemen opposite. Although he did not approve all the acts of the present Government, or endorse what they had done on all occasions—and on many occasions he thought their proceedings deplorable—yet he had to compare what they had done with the proceedings of hon. Gentlemen on the other side of the House. Even upon the question of local taxation he regretted the course taken, or, rather, that had not been taken, by the present Government. They had shown a want of energy in dealing with the most important question of the day. But the only way of judging a Motion of this kind was by its results, and let him suppose that the hon. Member for Hackney succeeded in carrying his Motion. The result would be to upset the present Government, and where was the new Government to come from? He hardly thought that the hon. Member for Hackney would be able, if called upon, to form a strong Liberal Government. He must then suppose that it would be necessary to fall back upon the noble Lord the Leader of the Liberal Party, and, without imputing any blame to him, the noble Lord would find himself in a difficult, if not a hopeless position, if he were called upon by Her Majesty to form a Government. There were certain historical facts that could not be lost sight of, and, repudiating Party views, he would, nevertheless, ask what was the present position of the Liberal Party? The present condition of the great Liberal Party was this—that by great energy, talent, ability, eloquence, and administrative power they had succeeded in the course of five years in turning a majority of 120 into a minority of 60 or 70. What, then, was the object of the hon. Member in bringing forward a Motion, the result of which would be to turn out the Government in order to leave the country in a position of utter chaos, and to bring in a party

who could not form a Government, and who, if the attempt were made, would bring all government to an end? The experience of the last 25 years had shown the House that it must not hope much from any Government, but the country must have a Government of some kind, and the House was bound to make the best of the Government it had got. He, therefore, wished the hon. Member for Hackney had on the present occasion turned his attention to some subject more worthy of his undoubted powers and ability.

MR. PELL said, that as a speech delivered by him outside the walls of Parliament had been referred to by the hon. Member for Hackney, he would only say that he did not wish to take exception to the accuracy of the quotation, neither did he wish to disown any of the remarks contained in it. On the contrary, he wished to reiterate his opinion that this was not a Party question, and he could only regret that it had been brought under the notice of the House in this indirect manner. Last year the Chancellor of the Exchequer put this question first, because he said it seemed to the Government that it was an object of the highest national interest at that time. This being the opinion of the Government, it was singular that such a question should be brought before the House in this indirect manner. The Chancellor of the Exchequer had in his Financial Statement exhibited some of the most brilliant qualities that the House expected to find in a statesman, when his right hon. Friend was called upon to reply to the right hon. Gentleman the Member for Greenwich. His right hon. Friend had pointed out that although there had been great remissions of Imperial taxation, there was another side of finance that required attention, and that was the great question of direct local taxation. Regretting, as he did, that the Government last year were led to give up the only means of making any sensible contribution towards local taxation, he must remind hon. Members opposite that when the late Premier went out of office he stated it to be his intention, if the next Parliament gave him a majority, to abandon the whole of the income tax. If the whole income tax had been abandoned, he did not know to what source we should have looked for subventions in aid of local taxation. Of course, the

Opposition could not be looked to for help in the form of money contribution. Administrative reform was to some extent independent of larger considerations, and it was fair to ask whether any change was to be made in administration, or whether matters were to go on as at present. Of course, he was not so visionary as to expect that anything could be done this Session. One reason for urging reform in administration was that at present there was enormous waste—waste of power, ability, and money, and much of it was due to centralization. Was there a single fund raised by local authorities of which it might not be truly said that the control and disposal of it was not in the main vested in the hands of the Treasury? There was just enough of local control to leave room for a vast amount of misgovernment. The House contained many county and borough magistrates, and he would ask them what they thought of our prison management. What influence did they exercise upon it? A prison had to be built upon a certain plan, the cells had to be of a certain size, and the diet had to be of a certain amount and quality. Having determined all these things, it was the duty of the Government to see that there were not too many prisons in the country. Yet no Government had ever given any attention to this part of the question. There were 116 local gaols, costing £585,000 a-year, and the average cost of the prisoners was £33 per head; but of the 81 county prisons, 12 contained more than half the total number of prisoners, and maintained them at an average cost of £25, while the remaining 69 maintained their quota at a cost of £34 a-head, or £9 more than the cost of the larger gaols, showing that large numbers of prisoners could be kept at a cheaper rate than smaller ones. Similar contrasts were presented by the borough prisons; for there were six borough gaols containing 3,000 prisoners, and 29 with only 1,370 inmates. The cost of the first was £76,000 annually, and that of the latter £54,000. These were matters of as great, if not greater, importance than the Regimental Exchanges Bill, about which there had been so much squabbling in that House, and the reason why it was not admitted was that no one touched upon them out-of-doors. He, however, suggested that the necessity of reform in these matters should be pressed upon the Government.

In Lincolnshire there were five gaols for the accommodation of 200 prisoners, and he appealed to the House if anything could be more monstrous. Then there was corresponding waste in the organization of the police. In England there were 225 separate Forces, in Ireland but one—happy Ireland. There were 10,000 police in the metropolis; nearly 10,000 in the 57 counties; in the 166 boroughs there were 8,000 police; in 62 of them there were less than 10 policemen; 22 where there were less than three; and there were several boroughs with a mayor, common council, beadle, and gaoler, with one, and a few with two policemen each. The waste of money in that respect must be obvious, while the many independent jurisdictions afforded the well-informed criminal great facilities of escape, and gave discharged police officers the means of passing from one Force to another without detection. There was also great waste in sanitary administration. There were 6,529 parishes, and 454 were under turnpike trusts. He had seen one authority constructing a drain on sound principles on one side of the road, and another authority constructing a deficient drain on the other side of the road. He should have been pleased if the Public Health Bill had put a stop to waste of this kind. Then, again, the waste with reference to the poor was also very great; but he had no wish to see the pinch of the poor rates relieved by Imperial subventions. In 1854, the cost of an individual pauper was £6 2s. It was now £8 15s., which was owing not to the local, but to the central administration of the Poor Law. The central government had required the local governments to furnish paupers with better doctors. The other day the central government required a local authority to expend £4,000 for baths for paupers. In 20 years the cost of maintaining paupers had increased 42 per cent. A great deal of the increase of local taxation was owing to successive Governments having permitted the local authorities to be increased in number. For instance, in Sunderland there were the River Wear Commissioners, having 51 members; the River Wear Watch Committee, 21 members; the town council, 64 members; elected guardians, 12; and *ex officio* guardians, 3. There was a school board which occupied the attention of 34 gentlemen; a local government board of 13 members; church-



titled to some little indulgence when he said that the subventions in aid of local rates made by the Government last year were defensible in principle, and, as far as they went, ought to be satisfactory to the country. So long ago as 1868, being then Financial Secretary to the Treasury, in reply to the hon. Member for South Devon (Sir Massey Lopes), he pointed to the cost of lunatics and police as being an item of expenditure to which the hon. Member might with advantage address himself in future, and the subventions in aid of these local services now made were not, in his opinion, open to objection. The expenditure upon the police was one which might properly be assisted by the Treasury, not only because the police service was of an Imperial character, but because the tendency of the localities was to administer it economically; the fact being, he believed, that the Government Inspectors, as a rule, stimulated the cost of the police. The hon. Gentleman the Member for South Leicestershire (Mr. Pell) had dwelt on the wasteful character of various small police jurisdictions, and complained that the Government did not put an end to some of them. But the hon. Gentleman underrated the influence of the Members for the small boroughs, by whom these police forces were cherished, and whose opposition would make it very difficult to abolish these jurisdictions. Nobody, however, could dispute the propriety of the advice given by the hon. Member as to the unnecessary expense entailed by all these separate jurisdictions, and he hoped the country would take this advice to heart. The subvention for lunatics had been of important advantage to the payers of poor rates throughout the country, and it was an advantage which they enjoyed without the slightest risk of being tempted to extravagant outlay. On the contrary, the lunatics were removed from the power of the guardians as soon as they were transferred; the guardians no longer had the control of their expenditure; and the subvention was not only an advantage to the ratepayer, but was in itself a safe and wise measure. Besides, the Government had secured an audit of the expenditure upon lunatics—an important safeguard—the whole of the money expended for their maintenance having been checked and audited by the Government auditors. Then, last year, it must be remembered,

*Mr. Sclater-Booth*

in return for the gift of these subventions, the Government had induced their supporters to make some sacrifices by assenting to the Rating Act. He had never denied that the greater part of this measure had been introduced in the previous year by the late Government, but they were unable to carry it. The Bill contained much that was distasteful to supporters of the present Ministry; but they felt the necessity of inducing the House to assent to the abolition of certain exemptions, which accordingly ceased to exist. Now, the rating of game was not likely to be very productive. Not so, however, the rating of mines, which, in some counties, were of great importance. In one union, he was told that more than £100,000 a-year had been already added to the rateable value of the property within it, and in another case, within three months £30,000 a-year had been added in the same way. In adopting the system of subventions, he contended that the Government were not initiating a new policy, inasmuch as that system was first established by Sir Robert Peel in 1846, and had been followed by the late Government in their Public Health Bill, in which they proposed that the State should pay one half of the salaries of the medical officers and of the Inspectors of nuisances. As a proof that the adoption of a system of subventions did not necessarily lead to extravagance on the part of the local authorities, he might refer to the fact that although the original estimate for the salaries of those officers under that Bill had been £100,000 a-year, yet there had been a reduction in that estimate, year by year, until the estimate for the present year only amounted to £65,000. He freely admitted that the measure dealt with only a part of a great subject; but hon. Members must remember that when the right hon. Gentleman opposite brought forward his Rating Act and other measures as part of a great subject, he had frightened the House by laying upon the Table legislative proposals that would have fully occupied its attention for three Sessions, and by intimating that he had further work for it in the same direction in reserve. Taking into account the spirit of resistance that was certain to be developed in that House by any measure for constituting a county authority, he thought that he might fairly ask that ample time for the pre-

paration of such a measure should be conceded to him. Within the last few weeks he had stated that a Valuation Bill might have been introduced, and would have been introduced, but for the impossibility of carrying it this Session. He would also have been glad to have introduced a Highways Bill, had it not been for the same cause. He, however, had at the present time a small measure prepared, which he hoped to be able to introduce and to pass this Session, which would facilitate the introduction of further measures of local administrative reform, and under which power would be given to the Local Government Board to carry into effect the recommendations of the Select Committee upon Boundaries which sat two years ago. That measure would be ready for introduction in a very few days, and he trusted that if passed it would get rid of some of the anomalies which at present defaced the union map of England. He agreed with the hon. Member for Hackney that the metropolis had in some respects gone far beyond the country in matters of local administration; and if the example it had set, for instance, in the matter of out-door relief, were followed by the country at large, much benefit would result from the change. One would really suppose, from the course taken by some hon. Gentlemen on the Government side of the House, that there was nothing the county Members had so much at heart as the establishment of county financial boards; but he believed that a great deal of the anxiety now felt on that subject, and on what was called administrative reform, arose from the irritation prevailing in consequence of the abolition of turnpike tolls, and the unsatisfactory mode in which the highway rates were administered. When, however, he suggested any practical solution of the question he always found that the widest differences of opinion on the subject prevailed. It was, therefore, difficult to imagine what section of the Members of the House was likely to support the Amendment of the hon. Member for Hackney. Certainly the Scotch Members would not do it, for none had been more pleased than they with the Government subventions of last year. The right hon. Member for Birmingham (Mr. Bright) would surely not do it, for when the hon. Member for North Wiltshire (Sir George Jenkinson) brought

forward a Motion on the subject of highways, he admitted the force of the plea that there were subjects which had a prior claim on the attention of the Government, and that time ought to be allowed. No one would be happier than himself if they could make quicker advances in administrative reform. But any comprehensive measure dealing with the whole of the questions raised in the discussion was out of the question. No Government would propose such a scheme, and no Government could certainly carry it. There were, however, a number of proposals in contemplation, which collectively would amount to a great deal, while singly they were such as it was practicable to carry, and he hoped that some of them would be dealt with before much time had elapsed. Indeed, they were dealing with them already. He believed that the facilities which would hereafter be afforded to local authorities in regard to the borrowing of money would be of great advantage to the ratepayers, and that much light would be thrown by this means on the financial aspects of the question. At the same time, he hoped the House would not run away with the idea that the local authorities of the Kingdom, taken as a whole, were so heavily burdened as many hon. Gentlemen seemed to suppose. So far as he was able to form an opinion, he believed they might be indebted at that moment to the extent of three years' income. But the country at large was indebted to the extent of 10 years' income at least. He did not dispute that many local authorities were overburdened, and that some of them were badly administered. But, taken as a whole, he thought their financial condition afforded no reason for alarm. He did not expect that the Irish Members would support the Amendment of the hon. Member for Hackney, nor did he think that the right hon. Gentleman on the front Opposition bench could consistently vote for it. No Administration would venture to lay a tax upon the people with a view of relieving local rates; and therefore it was incumbent upon the Government to make the proposal they did last year, and then was the time to object to the course which was pursued. But, while saying that, it must not be supposed for a moment that he or, so far as he knew, any hon. Gentleman on the Treasury Bench was indifferent to the necessity of regulating local

finance and diminishing local burdens—of spreading these burdens wherever they could be spread, of providing a greater unity of administration, and of concentrating the local authorities under a higher and better authority which would stand between them and the Government. There was too much disposition at present to rely upon the Government and the Government Inspectors; and he had heard during the debate the most contradictory opinions upon this subject. At one moment he had heard the opinion that the central authority did too much, and at the next moment that it had no power at all. In that free country, accustomed to self-government, it was a most difficult problem to reconcile a reasonable, satisfactory, and sufficient interference on the part of the central authority with that local independence to which Englishmen were accustomed, and which they all desired to maintain. Moreover, it must be borne in mind, as he had already pointed out, that even if the mind of the Government were clear as to what measures were necessary and justifiable, they had still to consider what they could propose with a fair chance of success, or how far they should go. Moreover, the power of resistance in that House to measures of detail was enormous, and the means of causing delay in the progress of measures seemed to be every year increasing, and he was sure that would be an element of consideration in the matter which would not be overlooked by his right hon. Friend opposite. In conclusion, he thanked his hon. Friends on the same side of the House as himself for the great readiness with which they had entered upon these questions, notwithstanding their delicate and difficult character; and he expressed a hope that when other measures of gradual reform were introduced they would manfully support the Government in their endeavours to carry them to a successful issue.

Mr. STANSFELD said, that most of the speeches in that debate, although they had come from the other side of the House, had been really in favour of the Amendment of the hon. Member for Hackney (Mr. Fawcett). He did not, however, refer to those speeches as indications of the votes that would be recorded, because, for instance, the hon. Member for South Leicestershire (Mr. Pell), who had spoken entirely in favour of the Amendment, and whose object was to give a few words of caution to

the Government, intimated that he could not vote with the hon. Member for Hackney because of his antecedents; while the hon. Member for West Norfolk (Mr. Bentinck), having nothing to say against the Amendment, could only justify himself for not following the hon. Member for Hackney into the Lobby, on the ground that it was a Vote of Confidence or No Confidence, and in a choice of evils he would choose the least. The course of the debate was due in a great degree to the astute policy and tactics of the Chancellor of the Exchequer, who originated the debate in a way which caused some surprise. It was not very easy to ascertain from the conversational remarks with which he had done so what was the right hon. Gentleman's object. As far as he (Mr. Stansfeld) could guess his object, it was this—first of all the right hon. Gentleman, addressing himself almost exclusively to his own side of the House, gave promises of more Imperial subventions yet to come; he told his supporters that the question of the cost of the administration of justice had not yet been considered; that it was a complex question, but the Government were determined at the earliest possible date to consider it; and doubtless the conclusion to which they came would have effect given to it on the next occasion when they had a favourable Budget. Another object of the right hon. Gentleman appeared to be by anticipation to take away the character of that debate on a very serious subject, on which the country and his own Party were very seriously interested and not entirely satisfied, by calling it a Social Science discussion. Now, the right hon. Gentleman had not that evening appeared so conscious, as he had been on former occasions, either of the importance of the question, or of the magnitude and definitiveness of the promises the Government had made, and the expectations they had raised. The hon. Member for Hackney (Mr. Fawcett) had referred to the debate on the Address, and also to the remarks of the Chancellor of the Exchequer in bringing in the Bill on which the present Amendment was moved; but they were not merely discussing whether they had a right to expect that more would have been done by the Government that Session, but whether the Government had not held out definite expectations to its own Party and to the country which it had now put it out of its own power to fulfil. A

deputation from the Local Taxation Committee of the Central and Associated Chambers of Agriculture about a year ago waited on the Prime Minister and urged him to undertake the whole question of local taxation reform. And what was the Prime Minister's reply? First of all, he took exclusive possession for himself and his Party of the question of local taxation reform, because he had had it in hand for more than 25 years; and he reminded the deputation that when he first took the lead of the Conservative Party he brought that question before the House, adding that almost every Member of the present Government had advocated the same views during a long period of years, and it was not at all probable that, being now in power by no ambiguous or equivocal expression of the public will, the Government would take the earliest opportunity of being false to the cause they had so long upheld. After that assertion, he (Mr. Stansfeld) had the curiosity to consult *Hansard*, to ascertain what were the views expressed a quarter of a century ago by the right hon. Gentleman, and he found that his Resolution was to this effect—

"That the whole of the local taxation of the country for national purposes, falls mainly, if not exclusively, on real property, and bears with undue severity on the occupiers of land, in a manner injurious to the agricultural interests of the country, and otherwise highly impolitic and unjust."—[3 *Hansard*, ciii. 453.]

In his speech when moving that Resolution, the right hon. Gentleman referred to certain local taxes and local burdens, and spoke of an amount of £10,000,000 per annum as being the sum in 1848, made up by the poor rate with its collateral minor rates, the county rate, the highway rate, and church rate; and he added to those rates £2,000,000 more in respect to land tax and some other charges, and the proposals of the right hon. Gentleman at that time were that one-half of such amount should be borne by rates, but that the other half should be borne by the general taxation of the country. Whether the expectations and proposals which were so indulged in were reasonable or not, at any rate they were definite, and one could not marvel that when such promises had been held out there was some disappointment at the course pursued by the Government in the present Session. In his Budget speech of last year, the Chancellor of the Exchequer

said the Government put the question of local taxation first because it was the highest object of national interest at that time, and he said Parliament ought to consider the position it really occupied, not only in our financial, but also in our social and political system. Therefore, in the opinion of the right hon. Gentleman this was the most important question of the day. The right hon. Gentleman made his views still more clear by going into details and dividing the question into three—namely, Imperial services charged exclusively or in undue proportion on local resources, areas of rating and exemptions of certain classes of property unfair, and extravagance resulting from an improper division of the country into local districts. In conclusion, the right hon. Gentleman said the matter would continue to engage the attention of the Government, not only with reference to the question of burdens, but also with reference to the improvement of administration, the possible necessity of altering the present system, and the devotion of some branch of the general revenue to local purposes. But the speech of the right hon. Gentleman this year exhibited a falling-off in his estimate of the magnitude of the question, of its urgency, and of the obligation of the Government to deal with it. That falling-off was the cause of the doubt and anxiety which many of them felt. In bringing in the Public Works Loans Bill the right hon. Gentleman said the Government were taunted in some quarters with not bringing in a large measure of re-construction, and added—

"I would say that I am not aware that any Member of Her Majesty's Government has at any time ever expressed any intention of proposing any such measure, or has expressed himself in favour of dealing with the question upon these principles,"

and concluding with the remark—

"We are as conscious as anybody can be conscious of the need of reforms . . . and we do not abandon the hope that we may be able to introduce such reforms."—[3 *Hansard*, cccxii. 218-19.]

When a strong Government which came into office upon its views of this subject as being the most important subject of the day began to talk of not abandoning the hope of doing something, surely others were justified in expressing some apprehension and alarm. Even to-night the right hon. Gentleman who had spoken for the Ministry gave them cause for fear rather than hope. He divided the sub-

ject into two branches, and wished to reverse the order of procedure of the late Government. What was complained of now was, not the order of procedure, but the pace, which was not fast enough for the exigencies of the time. The right hon. Gentleman talked of the necessity of proceeding step by step; but in the Committee, presided over by the right hon. Member for the City of London, the hon. Baronet, now Civil Lord of the Admiralty (Sir Massey Lopes), proposed a Resolution against proceeding step by step, and declaring that the Government of the day ought to bring in a comprehensive measure. The right hon. Gentleman spoke of the improvement of administration; but all he had to say was, that the Government would be ready to consider the question at the proper time. Had he not shown that the Government had shrunk step by step from the promises they had made and the expectations they had held out, and was it not reasonable, under the circumstances, to urge them to display a little more courage and energy? Scarcely enough had been said about the measure to which the hon. Member for Hackney referred. He (Mr. Stansfeld) understood from the Chancellor of the Exchequer that the object was to bring the matter forward, so as to induce Parliament to take effective steps, and he concluded from what had been said that it was designed to place some check on the growth of local indebtedness, and to make it less easy for the Government to compound or to remit these debts. But this purpose was no realization of what they had been led to expect from the language used by the Prime Minister. Assuming even that that policy could be effectively carried out, he put it to the House whether the Bill could be reasonably regarded as "laying the foundation of measures for dealing effectively with the whole question of local government and local taxation." Every year an estimate was to be made and presented to Parliament of the probable amount of money which would be advanced to local bodies. To allow of that being done, every local body, previous to the 31st of December, was to send in an estimate of the amount of money it would require in the course of the ensuing financial year. How was that estimate to be framed? He confessed that his anticipations were of an unfavourable character, and he held that

*Mr. Stansfeld*

these estimates would be entirely unreliable on account of the manner in which they were to be made. The Chancellor of the Exchequer, in proposing his estimate, would not have such particulars as would enable him to be accurate; and he would necessarily be led to ask for an outside and unnecessary amount. There was a still more serious aspect of the case, and that was that the responsibility of the Treasury in reference to these money matters would be diminished, whilst extra responsibility would be thrown upon the House. The consequence of this, he ventured to predict, would be that whereas at present applications for loans of public money were discussed and considered by a Department specially qualified for the duty, those questions in future would tend to be governed by political considerations, and to be decided on the floor of the House or negotiated in the Lobbies. A time might even come when, at some critical moment in the fortunes of a Government, the Chancellor of the Exchequer would make a concession to the Representatives of particular localities either by way of advancing a loan or by foregoing interest, or, it might be, by remitting the loan altogether. But there were several supplementary measures which might be supposed to fulfil the hopes held out by the Government. Those measures were the Artizans Dwellings Bill, the Public Health Bill, and the Pollution of Rivers Bill. The first of these measures was one to which he willingly assented; but after all, instead of affecting local government, it simply provided a mode of procedure to be followed in certain cases and was in its principle permissive; the second was a creditable proposal, but was merely a measure of consolidation, and the third was a Bill the impracticability of the proposals of which simply proved the necessity of at once taking a complete and comprehensive view of the whole question, instead of attempting piecemeal to deal with a question of the first importance. He believed that upon this question excessive expectations which could not be fulfilled had been held out, but still something could be done. He believed that they were all agreed that there should be some contribution from Imperial sources to local rates, because much of local contributions were expended for national purposes. The other branch of the subject was



much more complicated and of greater importance, and that was the reforming and completing the system of local administration. As illustrating his view of the importance and emergency of this question, he might mention the highways and the pollution of rivers as matters calling for immediate attention. With regard to the first, his right hon. Friend the President of the Local Government Board early in the Session stated, in reply to the hon. Baronet the Member for North Wilts (Sir George Jenkinson), that the matter could not be dealt with at present because the question of local government stood in the way. His right hon. Friend at the head of the Local Government Board used these words—

“The question of local government was inextricably mixed up with highway management, especially within the last three or four years, and they could not deal with one without considering, to a great extent, what should be the future arrangements as to the other.”—[3 *Hansard*, cccxii. 967.]

Therefore they had from the most responsible Member of Her Majesty's Government with respect to this subject the declaration that the important and urgent question of highways could not be dealt with till they were ready to take up on a large scale the consideration of the question of local government. The case of rivers was even stronger than that of highways. They traversed many of the local sanitary districts into which the country was divided, and they required large areas for their management; but, in the absence of the large areas, to what conclusion had the Government been driven? The nature of their proposal was this—There were 1,400 urban and rural sanitary authorities in the country, and Government proposed to confer on them the right, and impose on them the obligation, of preventing the pollution of streams that flowed through their areas—preventing the pollution of streams not only within those areas, but anywhere above those areas. Her Majesty's Government were driven to the conclusion to impose this obligation on every sanitary authority throughout the country, and call on each of them to watch and, if need be, to go to law with towns and manufacturers polluting the streams above their areas—[“Order, order!”]

MR. DISRAELI: I rise, Sir, to Order. The right hon. Gentleman is discussing

a Bill that is before the other House of Parliament.

MR. STANSFELD said, he had not the slightest wish to pursue any course that was out of Order, but he was under the impression that he was entitled to assume, from the sources of information open to all, that Her Majesty's Government intended to bring into that House a measure of that kind. But he wished to be entirely within the Rules of the House. The Government, however, had no alternative. They would be under the urgent necessity of dealing with the question of local government promptly and on a large scale. Manufacturers would consent to a stringent law on one condition only—namely, that it should be administered with something like uniformity, as between competitors in the same trade residing in different parts of the country; and this could only be effected by extending the administration over large local areas. Together with a growing spirit of centralization, which could not be directly opposed, inasmuch as it existed in the nature of things, there was a falling off of the spirit of vitality of local government in this country. The only way to revivify that spirit of local government was to enlarge its area and to elevate its functions by creating bodies which the Imperial Government would feel bound to respect. The establishment of municipalities in counties, the creation of county, financial, and administrative boards, constituted in his mind the key of the position; and he entreated Her Majesty's Government to address itself to that question at the earliest possible period.

THE CHANCELLOR OF THE EXCHEQUER said, if it was true, as he assumed it to be, that the condition of local government in this country might be properly described by the word “chaotic,” he might remark that this evening's discussion had been a very fair reflex of its subject-matter. They had had hon. Gentlemen reminding them of pledges of which they neither told them where they were made, nor by whom they were made, nor the terms in which they were made, and they had had hon. Gentlemen ignoring what they had done, and misrepresenting what they were doing and what they were going to do. They had sometimes found themselves discussing a new kind of local government of a most highly centralized description, something like the French

system of departments, communes, and cantons; and sometimes they had listened to excellent speeches in favour of local self-government, and against centralization. But anything more difficult than to place form or method on the greater part of that discussion he could not conceive. The most contradictory recommendations had been made; and the right hon. Gentleman opposite, finding them in a somewhat crowded position, urged them to mend their pace, and said that if they only mended their pace it did not matter very much in what way they went. He had heard a good deal that had surprised him, both with regard to what they had promised to do, and what they had done. There were two branches of the subject—the question of local taxation, and the question of local government. With regard to the former, there could be no doubt whatever that hon. Gentlemen who sat on that side of the House and the Members of the present Government had given pledges that they would deal with the question. He said that Her Majesty's Government had redeemed the pledges they had given. He did not say that they had completely or adequately redeemed them [*Laughter*]; but this he did say—that they had redeemed them as far as it was in their power to do, and that they were in the course of more fully redeeming them. With regard to the question of local government, what were the pledges they were supposed to have given? That pledges were given by right hon. Gentlemen opposite was true, and that the subject was one which Her Majesty's Government were desirous of entertaining was also true; but when pledges were spoken of as being given by them, he wanted to know what they were, and when they were made. A laugh was raised when he said that they had not adequately or completely redeemed the pledges they had made when that question was brought forward by his hon. Friend the Member for South Devon (Sir Massey Lopes). The Resolution of the hon. Member for South Devon consisted of three branches. With two of these—the police and the lunatics—they had already dealt, and with regard to the third—which referred to the administration of justice—they were, as he had already stated, prepared to redeem it. They had done a great deal in respect of subventions, which a great many hon.

Members seemed to have forgotten—they had advised the giving of a sum of £1,250,000 sterling. But they had done more. They had brought to hon. Gentlemen opposite the conviction that, as the right hon. Gentleman who had just sat down had stated, the question of subventions was one as to which they were all agreed. ["No, no!"] Why, the right hon. Gentleman the Member for Halifax told them in so many words that they were all agreed about subventions, and that they need not trouble themselves more about that. How long had they been all agreed? When those hon. Gentlemen sat upon these benches, and when the matter was first brought forward, it was treated with the greatest contempt by Her Majesty's Ministers, who said that all subventions must be preceded by a reform of local government. The then Government did, indeed, make an offer with respect to the house tax, but it never came to anything; and when his hon. Friend the Member for South Devon made definite proposals in the way of subventions, did the then Government accept them? No; they opposed them, and unfortunately they were beaten. In the first Budget, however, which the present Government brought forward the first remission of taxation which they proposed—for such it was in effect—took the shape of a subvention—a grant from Imperial funds in aid of local taxation. How then, when they had done all that, could they be accused of shuffling out of their obligations? They might not be going at the quickest pace; but, at least, they were going much faster than their predecessors had gone. This he ventured to say—that although he was not disposed to admit the giving of the pledges they were sometimes said to have made, he claimed the right to say that they had always taken a genuine and sincere interest in the question, and that because they had taken a genuine and sincere interest in it, they were determined it should be carried through in a manner which they deemed would be satisfactory; and that they were not disposed to allow it to be spoiled by being taunted into taking a false and dangerous step because, as he had said, they were resolved to carry the question through to a successful issue. The Government had taken up that part of the question which they thought most pressing and necessary, and the measure before the House was

intended to be a supplemental measure to effect the raising of money, which must be accompanied by proper safeguards to prevent abuse. The right hon. Gentleman had criticized some of the details of the Bill. He did not wish to go into a discussion on that matter at the present stage; but with regard to the form of the Estimates, he did not think there would be any practical difficulty. Notices would be sent to the Departments, and when they had satisfied the Treasury, the Chancellor of the Exchequer would form such Estimates, taking a lump sum, as he would think necessary for the year for education purposes, sanitary matters, &c. He would take good care to be within the mark, because all the money asked for would not be likely to be wanted. The right hon. Gentleman opposite said that under the Bill the responsibility of the Treasury would be diminished. Now, precisely the opposite would be the effect of the Bill, for it was drawn so as to diminish the power which the Treasury now had of reducing the rate of interest and forgiving debts which had been incurred without coming before Parliament at all. If there was a disposition to job, it could be done at present; but that power would be taken away under this Bill. He could only repeat what he had often said, that the subject was one that the Government had at heart—one in which they were determined to proceed, not according to the judgment of others, but their own. They believed they saw their way to a satisfactory settlement of the question. They could not undertake to satisfy everybody. They knew they could not go at a pace that would satisfy hon. Gentlemen opposite; but at their own pace, with a determination not to let the question slip or give it the go-by, the Government were determined to proceed with such measures as they believed to be most conducive to the end they had in view. And if the House would give them its support and assistance, they would do their best to bring the question of local taxation and local government to a satisfactory conclusion.

THE MARQUESS OF HARTINGTON said, that at so late an hour of the night, he did not intend to make anything that could be called a speech; but he thought that one or two of the remarks just made by the right hon. Gentleman ought not to be passed over altogether in silence. The right hon. Gentleman the Chancellor

of the Exchequer stated that the debate resembled the state in which our local taxation was alleged to be, in its chaotic character. He must have intended to use the word "discursive," and he (the Marquess of Hartington) could not deny that it had ranged over a variety of subjects. That, however, was not the fault of his hon. Friend the Member for Hackney, and he had no doubt that his hon. Friend would have preferred to raise the question on some other occasion, rather than upon the second reading of a Bill so limited in its scope; but it must be recollected it was not easy to obtain a night for the discussion of such a Motion as this. The hon. Member for Hackney has taken that opportunity of raising a discussion upon the local taxation and local management proposals of the Government; and he (the Marquess of Hartington) held that if the Opposition had failed to take advantage of the opportunity thus afforded of raising a discussion upon that question, they would have done wrong, because the House had been led to look upon the Bill in question as standing in the first rank of the proposals the Government had to make. The First Lord of the Treasury on the first night of the Session referred to this Bill as one which would bear materially upon the subject. One or two evenings afterwards the Chancellor of the Exchequer, in introducing the Bill, took the opportunity of entering at considerable length into the general views of the Government on the subject of local taxation and local management. The right hon. Gentleman now asked to what pledges and promises he could be referred. He (the Marquess of Hartington) would not quote *Hansard* now, but he thought it would furnish a small collection of promises and pledges. It was enough to refer to the vote which the Members of the Government had given on the Motion of the hon. Baronet the Member for South Devon. According to the statement of the right hon. Baronet, which had not been denied or disputed, that Motion involved an expenditure from the Imperial Revenue of more than £2,000,000, and all that the Government had given or promised fell short of £1,000,000, or one-half of the promised subvention. He had said he did not intend to make a speech; but he could not sit down without expressing his sense of the obligation they were under to the hon.

Member for Hackney for the speech he had made and the discussion he had raised. That speech would be no insignificant contribution to the future elucidation of the subject, which was one of the most difficult and complicated the House could be called upon to consider, and which was not thoroughly understood either in the House or in the country. Not only had the hon. Member for Hackney added to the comprehension of the subject, but whatever might be the result of the division, he had also obtained no small share of support from both sides of the House. Hon. Members on the Ministerial side of the House had plainly said that they agreed with the Motion of the hon. Member and with his speech, but they would not be able to support him in the Lobby—one because he regarded the Motion as a Motion of Want of Confidence in the Government, and another because of the views he held as to the quarter from which the Motion proceeded. At present the Liberal Party was young in Opposition and the arts of Opposition; but the support they had received on this question was hopeful. He would venture to express a hope that, warned by those utterances, in another Session a Resolution would be prepared which would not be an expression of Want of Confidence in the present Government, but would be such as would enable the hon. Members for South Leicestershire (Mr. Pell) and West Norfolk (Mr. Bentinck) to vote as they desired for the Resolution without disturbing the present Government. His hon. Friend the Member for Hackney had obtained more than approval from the other side of the House—he had drawn from the Chancellor of the Exchequer, as the Representative of the Government, a declaration of their policy on this subject. The House had been told to-night what they were not told either on the Budget or on Friday last. When the subject of the administration of justice was before the House, they were told that it was the intention of the Government, as soon as they found themselves in possession of funds, to make a further subvention in aid of the administration of justice, and practically they had to-night been told by the Government that their policy in respect to this question was nothing more than a continuation of the policy of subventions. Did the House suppose it was likely that when the discontent of rate-

payers had been somewhat appeased for a time by subventions granted from the public Exchequer, and the Government were pressed by business on all sides, they would think the time had come to deal with that most difficult of questions the reform of our local administrations? It would be difficult to find a House of Commons, representing to a very large extent constituencies of ratepayers, who would turn a deaf ear when the Government of the day proposed increased subventions in aid of rates; but he thought it was right that it should be known so long beforehand that the policy of the Government was a policy of subventions, and nothing else, in order that the country might fully consider and weigh well what the meaning of such a policy was. He should like to ask what ultimate benefit the ratepayers themselves would obtain from such a policy? The right hon. Gentleman, in his Statement on the Budget, gave the House some figures as to the progress of local taxation during the last three years. He (the Marquess of Hartington) would not weary the House by going over those figures, but he believed he was stating accurately the figures which were given by the right hon. Gentleman when he said that in the last three years the increase of rates had been over £1,100,000, which was somewhat in excess of the amount of the subvention which had been given by the right hon. Gentleman. Then what he wished to point out was, that if at the time when the Motion of the hon. Baronet the Member for South Devon was carried, the ratepayers were groaning under an intolerable load of taxation, in spite of the subvention of the right hon. Gentleman, they had much better reason to groan now. He did not mean to say that the burden would not be greater if these subventions had not been given; but the progress of local taxation was such, that we could not cope with it by means of subventions, unless new objects were continually to be found to which subventions would be given. He believed that relief to the ratepayer was not to be found in this policy of subventions, but in the reform of local institutions, and that the ratepayers of the country had more to expect from efficient and economical administration than from Government grants. They had been told by the right hon. Gentleman that one of the objects to follow from the passing of

*The Marquess of Hartington*

this Bill was, that it would enable the Chancellor of the Exchequer or the President of the Local Government Board annually to lay before this House a statement in the nature of a Budget of local expenditure. That was a thing which was greatly desired by some hon. Members, and among them by his hon. Friend the Member for Liverpool (Mr. Rathbone.) It might have its advantages, but he failed to see that in such a statement the local ratepayers would find any great consolation. What was the use of Parliament listening to a Local Taxation Budget of the Chancellor of the Exchequer, if it was to do nothing but look on at a continually increasing expenditure and indebtedness! What was required was not a Local Taxation Budget presented to that House, but one presented to the ratepayers of every locality. What we wanted was a Local Taxation Budget presented to every county, to every municipal borough, to every town, and to every area of local taxation and government, so that every ratepayer might know, what not one in every thousand knew at present, what he was to be called upon to pay, by whom it was to be levied, and to what objects it was to be applied. Such a reform as that they would not be able to accomplish until they had obtained a simplification of the areas of local government, something in the nature of a consolidated rate, identity of valuation, and strengthened and remodelled local government bodies. Until they had effected some such reforms, they might increase the subsidies, they might year by year make it as easy as they liked for local bodies to borrow at low rates of interest; but their subsidies would be all swallowed up in the bottomless pit of weak and inefficient administration, and, whilst they imagined they were relieving the local ratepayers, they would only succeed in being false to their trust as guardians of the public purse, by adding to the burdens of the people. Believing that the proposals of the Government had fallen short of the pledges which they themselves had given in former Sessions, he could not if his hon. Friend were to go to a division do otherwise than give him his cordial support.

Question put. The House divided:—  
Ayes 249; Noes 175: Majority 74.

Main Question put, and agreed to.

Bill read a second time, and committed to a Select Committee.

And, on June 9, Committee *nominated* as follows:—Mr. WILLIAM HENRY SMITH, Mr. HANKEY, Viscount CRICHTON, Mr. PELL, Mr. BAXTER, Mr. ONSLOW, Lord FREDERICK CAVENISH, Mr. HERMON, Sir GEORGE CAMPBELL, Mr. WHITELAW, Mr. STEVENSON, Mr. CUBITT, Major O'REILLY, Mr. GRANTHAM, and Mr. RATHBONE:—Power to send for persons, papers, and records; Five to be the quorum.

PUBLIC WORKS LOAN ACTS CONSOLIDATION BILL.—Bill read a second time, and committed to the Select Committee on the Public Works Loan Acts Amendment Bill.

*Instruction* to the Committee on the Bills, That they have power to consolidate the said Bills into one Bill.

#### AYES.

Adderley, rt. hn. Sir C.	Cobbold, J. P.
Allen, Major	Cole, Col. hon. H. A.
Allsopp, H.	Coope, O. E.
Allsopp, C.	Corbett, Colonel
Anstruther, Sir W.	Corry, hon. H. W. L.
Archdale, W. H.	Corry, J. P.
Arkwright, A. P.	Cotton, Alderman
Arkwright, F.	Crichton, Viscount
Ashbury, J. L.	Cross, rt. hon. R. A.
Assheton, R.	Cubitt, G.
Astley, Sir J. D.	Cuninghame, Sir W.
Baggallay, Sir R.	Dalkeith, Earl of
Bagge, Sir W.	Dalrymple, C.
Bailey, Sir J. R.	Denison, C. B.
Balfour, A. J.	Dick, F.
Barrington, Viscount	Dickson, Major A. G.
Barttelot, Colonel	Disraeli, rt. hon. B.
Bates, E.	Douglas, Sir G.
Bathurst, A. A.	Dyott, Colonel R.
Beach, rt. hn. Sir M. H.	Eaton, H. W.
Beach, W. W. B.	Edmonstone, Admiral
Benett-Stanford, V. F.	Sir W.
Bentinck, G. C.	Egerton, hon. A. F.
Beresford, Colonel M.	Egerton, Sir P. G.
Birley, H.	Egerton, hon. W.
Boord, T. W.	Elliot, Sir G.
Booth, Sir R. G.	Eslington, Lord
Bourke, hon. R.	Estcourt, G. B.
Bourne, Colonel	Fellowes, E.
Bousfield, Major	Fielden, J.
Bowyer, Sir G.	Finch, G. H.
Bright, R.	Floyer, J.
Brise, Colonel R.	Folkestone, Viscount
Broadley, W. H. H.	Forester, C. T. W.
Brymer, W. E.	Forsyth, W.
Bulwer, J. R.	Gardner, J. T. Agg-
Buxton, Sir R. J.	Gardner, R. Richard-
Callender, W. R.	son-
Cameron, D.	Garnier, J. C.
Campbell, C.	Gibson, E.
Cartwright, F.	Gilpin, Colonel
Cawley, C. E.	Goddard, A. L.
Cecil, Lord E. H. B. G.	Goldney, G.
Chaine, J.	Gordon, rt. hon. E. S.
Chaplin, Colonel E.	Gordon, W.
Chaplin, H.	Gore, J. R. O.
Chapman, J.	Gore, W. R. O.
Charley, W. T.	Horst, J. E.
Churchill, Lord R.	Grantham, W.
Clifton, T. H.	Greenall, G.
Close, M. C.	Greene, E.



Gregory, G. B.  
 Gurney, rt. hon. R.  
 Hall, A. W.  
 Halsey, T. F.  
 Hamilton, Lord C. J.  
 Hamilton, I. T.  
 Hamilton, Lord G.  
 Hamilton, Marquess of  
 Hamilton, hon. R. B.  
 Hamond, C. F.  
 Hardcastle, E.  
 Hardy, rt. hon. G.  
 Hardy, J. S.  
 Harvey, Sir R. B.  
 Hay, rt. hon. Sir J. C. D.  
 Heath, R.  
 Helmsley, Viscount  
 Hermon, E.  
 Hervey, Lord F.  
 Heygate, W. U.  
 Hildyard, T. B. T.  
 Hill, A. S.  
 Hogg, Sir J. M.  
 Holford, J. P. G.  
 Holker, Sir J.  
 Holland, Sir H. T.  
 Holmesdale, Viscount  
 Home, Captain  
 Hood, Captain hon. A.  
     W. A. N.  
 Hope, A. J. B. B.  
 Hunt, rt. hon. G. W.  
 Isaac, S.  
 Jenkinson, Sir G. S.  
 Johnson, J. G.  
 Johnstone, H.  
 Johnstone, Sir F.  
 Jolliffe, hon. S.  
 Jones, J.  
 Kavanagh, A. MacM.  
 Kennard, Colonel  
 Knight, F. W.  
 Knightley, Sir R.  
 Knowles, T.  
 Lacon, Sir E. H. K.  
 Learmonth, A.  
 Lee, Major V.  
 Legard, Sir C.  
 Legh, W. J.  
 Lennox, Lord H. G.  
 Leslie, J.  
 Lindsay, Col. R. L.  
 Lindsay, Lord  
 Lloyd, T. E.  
 Lopes, H. C.  
 Lopes, Sir M.  
 Lowther, hon. W.  
 Lowther, J.  
 Macartney, J. W. E.  
 MacIver, D.  
 Mahon, Viscount  
 Majendie, L. A.  
 Makins, Colonel  
 March, Earl of  
 Marten, A. G.  
 Maxwell, Sir W. S.  
 Mellor, T. W.  
 Merewether, C. G.  
 Mills, A.  
 Mills, Sir C. H.  
 Monckton, hon. G.  
 Montgomerie, R.  
 Mulholland, J.  
 Naghten, Lt.-Col.

Neville-Grenville, R.  
 Newport, Viscount  
 Noel, rt. hon. G. J.  
 Northcote, rt. hon. Sir  
     S. H.  
 O'Neill, hon. E.  
 Onslow, D.  
 Paget, R. H.  
 Palk, Sir L.  
 Parker, Lt.-Col. W.  
 Peek, Sir H. W.  
 Pell, A.  
 Pelly, Sir H. C.  
 Pemberton, E. L.  
 Peploe, Major  
 Phipps, P.  
 Plunket, hon. D. R.  
 Polhill-Turner, Capt.  
 Powell, W.  
 Praed, C. T.  
 Praed, H. B.  
 Price, Captain  
 Puleston, J. H.  
 Raikes, H. C.  
 Read, C. S.  
 Ridley, M. W.  
 Ripley, H. W.  
 Ritchie, C. T.  
 Rodwell, B. B. H.  
 Round, J.  
 Ryder, G. R.  
 Sackville, S. G. S.  
 Salt, T.  
 Sanderson, T. K.  
 Sandon, Viscount  
 Sclater-Booth, rt. hn. G.  
 Scott, M. D.  
 Scourfield, J. H.  
 Selwin - Ibbetson, Sir  
     H. J.  
 Shirley, S. E.  
 Smith, A.  
 Smith, F. C.  
 Smith, S. G.  
 Smith, W. H.  
 Somerset, Lord H. R. C.  
 Spinks, Mr. Serjeant  
 Stanhope, hon. E.  
 Stanley, hon. F.  
 Starkey, L. R.  
 Steere, L.  
 Stewart, M. J.  
 Storer, G.  
 Sturt, H. G.  
 Sykes, C.  
 Talbot, J. G.  
 Taylor, rt. hon. Col.  
 Tennant, R.  
 Thynne, Lord H. F.  
 Tollemache, W. F.  
 Torr, J.  
 Tremayne, J.  
 Trevor, Lord A. E. Hill-  
     Turnor, E.  
 Vance, J.  
 Wait, W. K.  
 Walker, T. E.  
 Walpole, hon. F.  
 Walpole, rt. hon. S.  
 Walsh, hon. A.  
 Welby, W. E.  
 Wellesley, Captain  
 Wethered, T. O.  
 Wheelhouse, W. S. J.

Wilnot, Sir H.  
 Wolff, Sir H. D.  
 Woodd, B. T.

Yorke, hon. E.  
**TELLERS.**  
 Dyke, W. H.  
 Winn, R.

## NOES.

Adam, rt. hon. W. P.  
 Amory, Sir J. H.  
 Anderson, G.  
 Antrobus, Sir E.  
 Ashley, hon. E. M.  
 Backhouse, E.  
 Balfour, Sir G.  
 Barclay, A. C.  
 Baxter, rt. hon. W. E.  
 Beaumont, Major F.  
 Biddulph, M.  
 Biggar, J. G.  
 Brassey, H. A.  
 Brassey, T.  
 Briggs, W. E.  
 Bristowe, S. B.  
 Brocklehurst, W. C.  
 Brogden, A.  
 Brown, A. H.  
 Bruce, rt. hon. Lord E.  
 Bryan, G. L.  
 Burt, T.  
 Cameron, C.  
 Campbell - Bannerman,  
     H.  
 Carter, R. M.  
 Cavendish, Lord F. C.  
 Cavendish, Lord G.  
 Chadwick, D.  
 Childers, rt. hon. H.  
 Cholmeley, Sir H.  
 Clarke, J. C.  
 Clifford, C. C.  
 Cole, H. T.  
 Conyngham, Lord F.  
 Corbett, J.  
 Cotes, C. C.  
 Cowan, J.  
 Cowen, J.  
 Cowper, hon. H. F.  
 Cross, J. K.  
 Crossley, J.  
 Dalway, M. R.  
 Davies, D.  
 Davies, R.  
 Dilke, Sir C. W.  
 Dillwyn, L. L.  
 Dixon, G.  
 Dodds, J.  
 Dodson, rt. hon. J. G.  
 Downing, M'C.  
 Duff, R. W.  
 Dunbar, J.  
 Dundas, J. C.  
 Earp, T.  
 Edwards, H.  
 Egerton, Adm. hon. F.  
 Evans, T. W.  
 Fawcett, H.  
 Ferguson, R.  
 Fitzmaurice, Lord E.  
 Fitzwilliam, hon. C.  
     W. W.  
 Foljambe, F. J. S.  
 Fordyce, W. D.  
 Forster, Sir C.  
 Forster, rt. hon. W. E.

Poster, W. H.  
 Gladstone, rt. hn. W. E.  
 Gladstone, W. H.  
 Goschen, rt. hon. G. J.  
 Gourley, E. T.  
 Grey, Earl de  
 Grieve, J. J.  
 Grosvenor, Lord R.  
 Hankey, T.  
 Harcourt, Sir W. V.  
 Harrison, C.  
 Harrison, J. F.  
 Hartington, Marq. of  
 Havelock, Sir H.  
 Hayter, A. D.  
 Herbert, H. A.  
 Herschell, F.  
 Hill, T. E.  
 Hodgson, K. D.  
 Holland, S.  
 Holmes, J.  
 Hopwood, C. H.  
 Howard, hon. C. W. G.  
 Ingram, W. J.  
 Jackson, H. M.  
 James, Sir H.  
 James, W. H.  
 Jenkins, D. J.  
 Jenkins, E.  
 Johnstone, Sir H.  
 Kensington, Lord  
 Kingscote, Colonel  
 Kinnaird, hon. A. F.  
 Knatchbull - Hugessen,  
     rt. hon. E.  
 Laing, S.  
 Lawson, Sir W.  
 Leatham, E. A.  
 Leeman, G.  
 Lefevre, G. J. S.  
 Leith, J. F.  
 Lloyd, M.  
 Locke, J.  
 Lowe, rt. hon. R.  
 Lush, Dr.  
 Macdonald, A.  
 Macduff, Viscount  
 Macgregor, D.  
 Mackintosh, C. F.  
 M'Arthur, A.  
 M'Arthur, W.  
 M'Laren, D.  
 Maitland, J.  
 Marling, S. S.  
 Monck, Sir A. E.  
 Montagu, rt. hn. Lord R.  
 Moore, A.  
 Morgan, G. O.  
 Morley, S.  
 Mure, Colonel  
 Noel, E.  
 Nolan, Captain  
 O'Brien, Sir P.  
 O'Connor, D. M.  
 O'Connor Don, The  
 Palmer, C. M.  
 Peel, A. W.

Pender, J.	Swanston, A.
Pennington, F.	Tavistock, Marquess of
Perkins, Sir F.	Taylor, P. A.
Philips, R. N.	Temple, rt. hon. W.
Playfair, rt. hon. L.	Cowper-
Potter, T. B.	Tracy, hon. C. R. D.
Price, W. E.	Hanbury-
Ralli, P.	Trevelyan, G. O.
Ramsay, J.	Vivian, A. P.
Rashleigh, Sir C.	Vivian, H. H.
Rathbone, W.	Waddy, S. D.
Redmond, W. A.	Waterlow, Sir S. H.
Reed, E. J.	Watkin, Sir E. W.
Russell, Lord A.	Weguelin, T. M.
Samuda, J. D'A.	Whalley, G. H.
Seely, C.	Whitbread, S.
Shaw, R.	Whitwell, J.
Sherriff, A. C.	Williams, W.
Simon, Mr. Serjeant	Wilson, C.
Sinclair, Sir J. G. T.	Yeaman, J.
Smith, E.	Young, A. W.
Stansfeld, rt. hon. J.	
Stanton, A. J.	
Stuart, Colonel	
Sullivan, A. M.	

TELLERS.

Acland, Sir T. D.  
Mundella, A. J.

House adjourned at Two o'clock.

## HOUSE OF COMMONS,

Tuesday, 25th May, 1875.

MINUTES.]—NEW MEMBER SWORN—William Fuller Maitland, esquire, for County of Brecknock.

PUBLIC BILLS—Ordered—First Reading—Industrial Savings Banks \* [185]; Compensation for Accidents to Workmen [186]; Drugging of Animals \* [184].

Committee—Public Health (*re-comm.*) [157]—R.P.

Committee—Report—Post Office \* [180]; Glebe Loan (Ireland) \* [176]; Intestates Widows and Children Act Extension \* [132].

Considered as amended—Military Manœuvres \* [166]; Parliamentary Elections Returning Officers [32].

Third Reading—Public Stores \* [159]; Railway Companies \* [152]; Matrimonial Causes and Marriage Law (Ireland) \* [79], and passed.

The House met at Two of the clock.

## ARMY—MILITARY PRISONERS—CASE OF GUNNER CHARLTON.—QUESTION.

SIR EDWARD WATKIN asked the Secretary of State for War, If any report has been made to him of the case of Gunner Henry George Charlton, of the Royal Horse Artillery, stationed at Topsham Barracks, Exeter; and if that report justifies the belief that Gunner

Charlton having been sent to Millbank Prison after sentence of a court martial for insubordination, was placed in a dark cell at that prison, was frost-bitten, and is now a cripple and permanently incapacitated for future military service; and, whether on his return to barracks a statement from Gunner Charlton was not taken down in the belief that he was in a dying state, and if a copy of that statement has been placed in the possession of the right hon. Gentleman; and, if so, at what date and by whom, and in whose presence was it taken down; and, also, whether the right hon. Gentleman is aware that Charlton has been in the service eleven years, and that up to November last he has been entitled to wear four good-conduct stripes?

MR. GATHORNE HARDY, in reply, said, that until this morning he was not cognizant of any of the facts connected with this very painful case. He wished for further information on the subject, and he would be obliged if the hon. Member would repeat his Question on Monday next.

## INDIA—BARODA.—QUESTION.

In reply to Mr. SULLIVAN, LORD GEORGE HAMILTON said, the great bulk of the Papers on Baroda would be laid on the Table in about a fortnight; but he could not give a positive answer as to the evidence taken before the Commission.

## NATIONAL MONUMENTS IN IRELAND—IRISH CHURCH ACT, SECTION 25.

## QUESTION.

MR. BRYAN asked the Chief Secretary for Ireland, If he could explain to the House why the Commissioners of Church Temporalities in Ireland have omitted from the list of national monuments, under the twenty-fifth section of the Irish Church Act, the ruins of Glendalough in county Wicklow?

SIR MICHAEL HICKS-BEACH, in reply, said, that this misunderstanding had arisen from the circumstance of the ruins having been mentioned in the Schedule as the Seven Churches, and not described as the ruins of Glendalough.

PARLIAMENT—ADJOURNMENT OF THE  
HOUSE—THE DERBY DAY.

MR. GATHORNE HARDY moved,  
“That this House, at its rising, do adjourn till Thursday next.”

SIR WILFRID LAWSON: I am quite sure, Mr. Speaker, that the House, as well as myself, must be very much disappointed by the non-appearance in his place of the Prime Minister. I hope he is not kept away by indisposition; because if he had been here I should have hoped to have heard from him some reason why he calls on the House on this occasion to take a holiday. But, as he is unfortunately not present, I must endeavour to give my reasons for thinking that the House had better not take a holiday on the present occasion. I remember, Sir, some time ago, that when we on this side of the House were in office—in those happy days—there were three Gentlemen in this House—namely, the Under Secretary of State for the Colonies (Mr. Lowther), the hon. Member for Whitehaven (Mr. Cavendish Bentinck), and another Gentleman, the late Mr. Thomas Collins. [*Laughter.*] Well, Sir, I think I am perfectly in order in styling him in that manner, for in a Parliamentary sense, at all events, he is defunct. These three Gentlemen formed a combination in this House, and they were always—or, at least, they were very frequently—moving the Adjournment of the House; but one of the three—I will not invidiously name him—told me that, in his opinion, the longer the House sat the more harm it did, and therefore he always moved the Adjournment of the House on principle. I do not suppose that my right hon. Friend who has just now made this Motion, or the Prime Minister himself, would have adopted that argument to-day; because it is only a fortnight ago that we were informed that the Government had a great number of important Bills on the Table of the House, and that they intended to carry every one of them, if they kept the House sitting till Christmas. I took the trouble to look and see how many Bills there were brought in by the Government, and I found that there were no fewer than 70. If that be the case, this is not the time to take a holiday, with such a gloomy prospect before us. I am disposed, however, to think that the real reason why the Prime

Minister is in favour of this Motion is because, when Lord Palmerston first took upon himself as Leader of the House to make a similar Motion, he said he looked upon it as “part of the unwritten law of Parliament;” and we know by late occurrences that the Prime Minister has almost a fanatical reverence for the “unwritten law of Parliament.” But I wish to disabuse the House of an idea entertained by some Members, who are not so well informed on sporting matters as they ought to be. I believe there are a good many in this House who imagine that the Derby and the Motion for Adjournment for the Derby form part of the British Constitution—just as much as Magna Charta, the Lord Mayor’s Show, or the exclusion of Strangers from the Gallery of the House of Commons. But I will prove by-and-by that that is not so. Before doing so, however, let me clear myself from the suspicion of any wish to interfere with the innocent pleasures and amusements of Members of this House. I do not object to Members of this House going to Epsom, Ascot, and Newmarket, if they be so minded, in their individual capacity. We know that a great many honoured and respected Members of this House regularly take their holiday while the House is sitting, and go to Newmarket or Ascot; and the House is very much pleased that they should have their amusement, and they are glad to hear that the House gets on very well without them, and that Public Business suffers no impediment in their absence. But I wish to show that this is really not an old-established institution—the Adjournment for the Derby. Will the House believe it, that the Adjournment for the Derby was never moved in this House until the year 1847, about 30 years ago? It was at first continually opposed, and was carried by only small majorities. That was the case over and over again; and let me tell the House it was never moved by the recognized Leader of the Government in this House until 1860, when Lord Palmerston took upon himself to do so, on the occasion when he used the expression about the “unwritten law of Parliament.” Ever since that day it has become a popular thing for Prime Ministers to move the Adjournment of the House over the Derby Day. The late Prime Minister moved it in 1872, and the reason he

gave for making that Motion was—and I wish the House to mark that he did not express his own opinion—that—

“The House believes horse racing to be in itself a noble, manly, distinguished, and, I may say, historically national sport.”—[3 *Hansard*, cxi. 794]—

and the present Prime Minister, speaking a few nights ago on a question connected with sporting, said that horse-racing was “a noble and inspiring sport.” I am not going to set myself up against sporting authorities like the late and present Prime Ministers; but I call attention to this subject as much with the object of eliciting useful information as for any other purpose; and I want somebody who is very much in favour of the Motion for Adjournment over the Derby Day, to get up and explain to me in what respect horse-racing is “a noble employment?” What is there “noble” in going down to Epsom and seeing 20 jockeys spurring 20 horses for the sake of putting money into their own pockets and those of the owners of those horses?—for the whole thing is money, and nothing but money, from beginning to end. I do not suppose that the jockeys, though they may be very good people in their way, are exactly entitled to be called the highest types of Christian heroes. I do not know even if they have the requisite British virtue and excellency which the hon. and gallant Member for Sussex (Colonel Barttelot) would desire to see, and are quite so broad in the chest as they ought to be. But I want to know what there is that is noble in this sport more than in any other sport in which the people of this country indulge? Mr. Speaker, do not imagine that I object to holidays on proper occasions. There are plenty of opportunities for them. When, the other day, we launched one of our large iron-clads, many Members went down to see that operation. Some of us might not like to go and see preparations made for the destruction of our fellow-creatures; but we are a small minority, and no doubt, that was a national object. It was paid for by national money, and was under national control; and we had a religious service conducted by the head of the national Church, who prayed that the ship might be successful in destroying his fellow-Christians in all parts of the world. But that occasion does not suffice. There is the Oxford and

Cambridge Boat Race. That is quite as much a national sport as a sweepstakes at the Derby, and there is something about the Oxford and Cambridge Boat Race which you cannot say about Epsom and other races in this country. There is no suspicion of a “sell” in that matter. But if that does not suit you, go to the Eton and Harrow Match. We like to go down to see our boys bowling one another out there, who will spend their lives hereafter in bowling one another out in this House. I have made these remarks because I want my right hon. Friend who moved this Resolution to get up and explain what is meant by the nobility of horse-racing. As I have so little information from those who put forward this Motion, I want to go to those who do know something about horse-racing. We have all read the *Greville Memoirs*. The author has been much abused, poor man, now that he is dead—not because he has said a few things that are not true, but because he has said so many things that are true. Mr. Greville was one who moved in the highest circles of the racing world; racing was a passion with him, a delight, and an employment; and this is what he says about these races which we are called upon to patronize. Having come back from a racing campaign, he speaks of “the degrading nature of the occupation,” and of the degradation of “mixing with the lowest of mankind.” Mr. Speaker, would you wish us to mix with such characters? Mr. Greville spoke of degrading oneself in that way—

“For the sole purpose of getting money.—The conviction of the deteriorating effect on both the feelings and the understanding—all these things trouble me, and ought to turn my pleasure into pain.”

Referring afterwards to Doncaster, he said he met with “all that is basest and lowest on earth.” Now, I want to know whether racing has so much improved since then? Is Epsom so much better than Doncaster or Newmarket? Has the Turf improved since those days? I do not know; but I read in the papers continually about the deterioration of the Turf, and of its having become nothing but the means of gambling and dissipation. That being so, I wish my right hon. Friend opposite, whose Party came in with the laudable intention of sustaining the religion of this country,

to tell me how they can find it in their hearts to adjourn the House only for two hours on Ascension Day, and for 24 hours on the Derby Day? There are several Bills on the Paper for to-morrow—one dealing with imprisonment for debt, another for the amendment of the medical laws, and a number of other Bills belonging to private Members, who do not often get a chance of bringing forward their questions. Would it not be better to get rid of some of these than to go and disport ourselves at Epsom? We are not the only branch of the Legislature. In the other, there sit—and, probably, will sit for a long time—a great number of ecclesiastics. Now, can anybody fancy the Archbishop of Canterbury moving in that House, and the Archbishop of York seconding, a Motion for adjournment over the Epsom Races? But, I must say, there are differences of opinion about this matter, and the House will excuse me if I make a short quotation from a paper which I believe most highly-minded people read (*The Spectator*) which said last year concerning the Derby business—

“It must be urged that it is a sight which the House of Commons does well to revive its faith in humanity by solemnly adjourning to witness once a year.”

Then it adds—

“In truth, only one great element of English life is conspicuously wanting—the sacerdotal.”

It is a very pleasant thing to meet the clergy in the hunting field or in the cover. No one shoots truer or rides straighter than an agreeable clergyman. Is there any other place where the clergy are ashamed to be seen? We had statements about racing during the Recess—about a clergyman who had race-horses running at the Derby; but the Bishop of his diocese came down upon him in a very severe manner—so much so that he obliged the poor man to give up his living, though he could not give up his race-horses. I should like to hear what the hon. Gentleman the Member for Mid-Lincoln (Mr. Chaplin) has to say about this. He, in this House, legislates for race-horses, and out of it for horse racing, and he should be able to give us the opinion of the Bishop of Lincoln in this matter, for I find it stated in a letter in *The Times*, signed “Holy Friar,” that Mr. Henry Chaplin is one of the Bishop of Lincoln’s “lay consultees,” chosen by his Lordship in conformity with the de-

*Sir Wilfrid Lawson*

cision of a Diocesan Conference. I should have liked, therefore, to have heard his opinion on this matter, because he would have spoken with Episcopal authority. I mean to go to a division in opposing the Motion now before the House; but I think I should be disposed to withdraw my opposition on one condition, and that is that my right hon. Friend will be consistent. Of course, he proposes this Motion because he thinks it is a national affair. That is right. He thinks it a national holiday, or he would not submit this Motion to the House. Now, my mind reverts to the national holiday we had on that happy occasion on which the whole nation rejoiced, when we were called upon to congratulate ourselves and give thanks for the recovery of His Royal Highness the Prince of Wales from his dangerous illness. Nobody disputed that that was a national holiday. What happened on that occasion? You, Sir, went through the streets of London in the Speaker’s coach, drawn, Sir, by brewers’ horses—never before put to so noble and laudable a service. That was all right. That was a national occasion to carry out a national object in a national spirit, and with all national aids and appliances; and what I have to say, Sir, is that if my right hon. Friend will add to his Motion a rider that you go down to Epsom in your state coach to-morrow, I will make no opposition, but, on the contrary, I will promise that a very large number of the Members of this House will accompany you, to protect you from the people you will be amongst. But I ask the House, really and truly, whether they think that we are called upon to take this holiday, and whether they think that that will add to the respect with which this House is regarded in the country? The newspapers were filled last winter with letters from people living in the neighbourhood of London describing the miseries, and injuries, and nuisances which were caused to them by the suburban races. Pamphlets were written about them, associations were formed for the purpose of putting them down, and I happen to know that an hon. Friend on the other side was contemplating bringing a question before the House on the subject with a view of trying to abate the nuisance. So bad were these races that *The Saturday Review*, which is not a squeamish paper, described them as “scenes of filthy ruf-



fianism." Now, let somebody who understands these sporting matters get up and say if Epsom Races are anything more than these 41 suburban races rolled into one. In speaking yesterday to an hon. Friend of mine, a county Member, I said—"Are you going to support me in opposing the Adjournment over the Derby Day?" He replied—"Oh, no; I shall vote for the Adjournment. I came up from my county with a train full of roughs, and I must oblige them." I say, then, that this Motion is not a thing worthy of this House. It is said that we ought to be "Gentlemen first and patriots afterwards;" but I say—"Let us be Gentlemen first and betting men afterwards." In this House there are many men of many opinions. We differ widely on all questions, social, moral, and political; but I think I am justified in saying that in one sentiment we are practically unanimous—and that is that the honour, the dignity, and the reputation of this House is dear to everyone of us, Sir, from yourself in the Chair to the humblest private Member. I ask hon. Members to follow me into the Lobby to-day, and declare that no longer shall this House—the first Assembly of Gentlemen in Europe—be degraded by allowing itself to be paraded before the world as the patron of Cockney carnivals and suburban Saturnalia.

MR. GATHORNE HARDY: The hon. Member for Carlisle has, as usual, added great zest to the opposition offered to this Motion by indulging in a great amount of humour and of what may be called "chaffing" at those who are in favour of adjourning the House over to-morrow. He has put forward several reasons why he thinks we ought not to adjourn. First, he has told us that the Government has so much Business on hand that we ought to have devoted to-morrow to pushing some of it forward; but, if we had attempted to do that, I do not know that anyone would have been more severe on us than the hon. Member for Carlisle himself for interfering with the rights of private Members. The Government have no interest in the day in comparison with that of the private Members who have been able to put their Motions down for to-morrow. Then, the hon. Member told us there were many other occasions when we might have adjourned with greater advantage, and he mentioned the Oxford and Cambridge Boat

Race. Of course, I am not inclined to disparage that event, and I dare say it would be a very proper day for adjournment; but, as a matter of fact, it always takes place on Saturdays. [SIR WILLIAM LAWSON: Not always.] For many years it has taken place on Saturdays, and on that day, as a matter of course, the House is not sitting. The hon. Member then says that unless it is a national matter we ought not to adjourn. I view it in a totally different light. It has become a House of Commons matter. Since 1847, at all events, it has been one of the regular holidays of the House. We have not had a long Whitsuntide; and, for myself, I confess that it is of considerable national importance that the House of Commons should not be unnecessarily overworked, and that, as far as possible, we should sit upon days when it is convenient to every Member to attend. Though I have not taken any deep interest in this race, I cannot help thinking that a great many of those who will vote for sustaining "the honour and dignity of the House" will mix with the motley crowd on Epsom Downs to-morrow; and after this adjournment has been going on for so many years, without impairing the honour and dignity of the House, which as the hon. Baronet admits, still exists—for he says we are the first Assembly of Gentlemen in the world, notwithstanding the fact that we have been adjourning over the Derby day every year since 1847—I think we may well adjourn on that day in 1875 without any risk of losing either our honour or our dignity.

Question put.

The House *divided*:—Ayes 206; Noes 81: Majority 125.

PUBLIC HEALTH (*re-committed*) BILL.

(*Mr. Selater-Booth, Mr. Clare Read.*)

[BILL 157.] COMMITTEE.

Order for Committee read.

COLONEL BARTELOT said, he desired to make a few observations on going into Committee as the second reading had been taken at a time when no one expected the Bill to come on, and he did not hear the speech of his right hon. Friend, for although the measure was simply a consolidating one, it was very important. It was of such importance, indeed, that

ference of Denominational and Subscription Schools to School Boards be assimilated to those of the English Education Act, in order that such transference may be facilitated, and the burden on the ratepayers thereby relieved; and that an effectual audit of the annual accounts of School Boards in Scotland be by Law provided."

The hon. Baronet said, he rose with great reluctance in pursuance of this Notice, and he could assure the House that he should be as brief as he possibly could. He regretted that no steps had been taken to remedy the defects of the present Act during the present Session. It was only on account of the many representations that had reached him from persons whose opinions were well worthy of consideration that he took the liberty of calling the attention of the Government and of the House to the amendments he had ventured to suggest. In remarking that the Education Act of Scotland was at present in a very defective condition, he would not be supposed to speak with any Party bias. The changes which that Act made in the system of Scotch education were so numerous and so sweeping that it was hardly to be expected that such an Act could be passed in a state which would not be found to require considerable amendment. In the late House of Commons, in which it was passed, he had not the advantage of possessing a seat, and he took no part in the discussion of the subject out-of-doors. It was under these circumstances that he had the honour of being selected by the late Government as a member of the Education Board in Scotland—a position which gave him the opportunity of seeing the working of the Act more than perhaps any other person, except the hon. Member for the Falkirk Burghs (Mr. Ramsay). Since he had placed this Motion upon the Table, he had received a large amount of correspondence upon the subject—so large that he had been obliged to leave much of it unanswered. A number of the letters he had received came not from his own political friends, but from Gentlemen belonging to one or other of the parties composing the other side of the House. The Resolution that he had placed upon the Notice Paper alluded to what appeared to him the two principal and main defects of the Scotch Education Act, and those defects he proposed to notice in their order, giving his reasons for considering them defects which required

immediate legislation. But before proceeding to speak of them, he would mention other defects of the Act. He would take them at random, and as they presented themselves to his notice; and would remark, before alluding to them, that in nearly all the points he was about to refer to, defects existed in the Scotch Education Act which were not to be found in the English measure of 1870. He would deal first with the borrowing powers of school boards. As the House was well aware, school boards were empowered by the Act to borrow sums of money from the Public Works Loans Commissioners for the purpose of "providing and enlarging schools." Those powers in Scotland were not held to cover many items of expense which were very serious and important, and which in the aggregate sometimes amounted to as much as the cost of new schools. There were repairs, furniture, enclosure of ground, water supply, and there might be other charges. These items were not included in the Scotch Act, though he believed that they were in the measure applying to England. When sites were required by schools, there were no compulsory powers in the Scotch Act by which they could be obtained. The crotchets or unreasonableness of a single landed proprietor might put a whole district to very considerable inconvenience. This, he was sorry to say, was no imaginary case; such occurrences had taken place. Grave doubts appeared to exist whether it was legal for a member of a school board to sell a site to a board of which he was a member. It was obvious that in many cases no land could be obtained except by purchase from a member of a school board, unless, indeed, he presented it as a free gift. It was known, he believed, to the House generally—Scotchmen were certainly aware of the fact—that school boards were compulsory by law all over Scotland. No matter how remote the district, no matter how satisfied the inhabitants of a district might have been with the old system of education, still these school boards must be formed. One would have expected that an Act which compelled the election of school boards would have at least been careful and precise in its directions as to their procedure; but that was very far from the fact. Even in the most obvious matters they

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had been left entirely without directions. One would have supposed, for instance, that such circumstances as death and removal would have been in the minds of those who framed the Act; but, strange as it might appear, they had not made any provision for those contingencies amongst a people who were, like other men, mortal, and beyond other men, migratory. He was not sure that it was unlawful for the chairman of a school board to die; but there were grave doubts whether his disconsolate fellow members might provide him with a successor. Resignations of members had not been unknown; but they had the opinion of eminent counsel that resignation was not legal. There were several cases in regard to this point worth mentioning to the House. In one instance known to him, four members out of a school board of five resigned. The survivor, contrary to all law, picked up four of his friends, placed them on the school board, and now conducted the educational affairs of the parish according to a law of his own making. In another case, a death vacancy having occurred, two of the members, without retiring from the board, expressed their intention of attending no more meetings. The educational proceedings of that parish were paralyzed. No assessment was raised for the next year, and the schoolmaster had to go without his salary. Again, nothing in the Act vacated a seat at a school board. No neglect of duty would affect the tenure of a seat, or render its vacation necessary. Bankruptcy did not vacate it, neither did imprisonment for crime. He would beg the House to remember that he was not putting an imaginary case, but speaking of things which had actually occurred. One gentleman had the misfortune to become bankrupt, and he was requested to resign his seat. He replied that he would do nothing of the sort; and that having now no business of his own, he would have more time to attend to the affairs of the school board. Members of school boards were not precluded from holding places of profit under the boards to which they belonged. They might even enter into pecuniary contracts with their own boards. He thought it was only necessary to mention these defects to show how much the Act

required amending. He would say nothing as to the grievances of the teachers, but merely remark in passing that whereas the Act was devised, amongst other objects, to improve the status and position of those gentlemen, it had had a most unlooked-for effect. Any schoolmaster that met with an unreasonable board had no way whatever of enforcing the rights that the Act gave him except by an appeal to the tribunals of his country. He thought that an Act which created such an elaborate machinery ought to have provided for such contingencies; and ought not to have left petty differences between schoolmasters and school boards to be fought out before the Court of Session. He had now exhausted the general remarks which he had to make upon the Act, and would turn to the two points touched upon in his Motion. The first of these, the House would observe, touched the transference of schools, and affirmed that—

“It was expedient that the provisions of the Scotch Education Act relating to the transference of Denominational and Subscription Schools to School Boards should be assimilated to those of the English Education Act, in order that such transference might be facilitated, and the burden on the ratepayers thereby relieved.”

After the passing of the Scotch Act, it might have been fairly assumed that all persons connected with the schools in question would be very desirous, at all events quite willing, to transfer them to school boards. The object they had in view was, the education of the people; and they might reasonably expect that when its superintendence was transferred to a body formed of the representatives of the people, that object would be carried out in a much more efficient manner. All the usual motives of human action—generous and selfish, patriotic and calculating—seemed to combine to suggest and prompt such transference. But what had been the result? The Church of Scotland, at the time of the passing of the Act, had 900 to 1,000 schools. Of this number 78 were transferred to the school boards, 420 were still in operation under their old management, and something like from 460 to 500 might be supposed to be discontinued. The Free Church had 548 schools in operation at the passing of the Education Act. Of this number 142 had been transferred, 95 were still in operation, and they might therefore suppose that 311 had been discontinued.

With regard to other denominations, he was not furnished with the figures, except that he knew that in the case of the United Presbyterian body only a single school had been transferred to a school board. He did not give the House these figures as being precisely accurate; but they approximated near enough to accuracy to give an idea of the working of the Act. The Act was passed, he contended, mainly for the purpose of promoting transference, but so far it had proved unsuccessful. It was not difficult to discover the cause of its ill-success. The cause was to be found in the stringent provisions of the Act. Instead of blaming the trustees of the various denominational schools because so few schools had been transferred, they had reason to thank them that so many transferees had taken place. The conditions with regard to the transfer were much more onerous in Scotland than in England. A small amount of debt on a school was sufficient to prevent a transfer. When there was debt on a school, some such negotiations as this took place:—The trustees of a Free Church school, that was to be transferred, said to the school board—"We are willing to transfer our school, but we have debt upon it to the amount of £100, which we think you ought to pay." The school board, however much they desired to acquire the school, were obliged to say—"We are precluded by the Act from assuming any debt." The result was that the building was converted into something else; and the parish, instead of obtaining the school for such sum as, say, £100, in many cases would spend from £1,200 to £1,500 in the erection of a new one. No doubt the stringency of this condition might be defended on the ground that it was meant to put down private jobbery; but he thought that in attempting to protect the public from pillage they had overshot the mark, and subjected the public to almost equal expense in the creation of new schools. Other conditions imposed upon those who desired to transfer their schools were also very onerous. Free Church schools were in many cases built in connection with manses and churches. He mentioned the Free Church on account of the large contributions it had for so many years made to the educational

prosperity of Scotland. The school, the church, and the manse often formed a group in a village, or the neighbourhood of a town. It was surely reasonable that the trustees in whom this property was invested, in transferring the school should wish to make some arrangement by which it should be maintained as a school and not be used for any other purpose. Here, again, the Act came in and stopped them. The school board was obliged to say—"We think your school is a very good one; we may not be able to build such a one for double the money; but we cannot enter into any negotiation. We must have full power over the building, and the only condition we can make with you is that while it remains in our hands you are to have the use of the school when it is not required for teaching purposes." Thus the negotiation fell to the ground; the trustees very properly declining to take the risk of the school being appropriated to other uses—being turned, perhaps, into a public-house or a music hall, or some purpose which would damage their adjacent property. Here, again, the Act failed—the school was not transferred, and a new school had to be erected at great cost. He thought it would be obvious to hon. Gentlemen that in these points the Act required amendment, and should be assimilated to the English Act, where a school might be transferred to a school board, if the debt with which it was charged did not exceed the value of the building. He was not sure that the people of Scotland would ask even so much as this. He thought that if the debt were to be restricted to half the present value of the property, that might be a very fair and reasonable compromise. But he maintained that the public, as represented by the school boards, should have the opportunity of acquiring these schools for what, he believed, would turn out to be reasonable terms. Let the Government, in dealing with the question, take proper precautions against jobbery and institute a searching scrutiny; but let the great waste of public money which he foresaw in the ensuing year be, if possible, avoided. The reason why he especially pressed this point upon the Government was that even if in a future Session the remedy which he sought should be provided, it would come too late; the new schools

*Sir William Stirling-Maxwell*



would have made considerable progress towards completion; and many of the present schools would have been applied to other purposes. He now came to the last point of his Resolution—namely, the question of audit. This was a case which only required stating; and he need not trouble the House with any argument on the subject. By the provisions of the Act the Edinburgh Education Board were empowered to appoint an accountant, and they had accordingly appointed a very efficient officer, with a competent salary. This gentleman entered upon the course of his duties last year, when the accounts of the school boards were presented to him, and he, of course, criticized them carefully, and pointed out various items which he conceived violated the law and which ought to be disallowed. But upon examination it turned out that no power existed anywhere to disallow any item, however it might contravene the obvious letter of the Act. He would give the House some examples of cases which had actually occurred. The first that he would take was that of a rural parish. The high charges which the returning officer had made for the election of a school board in that parish attracted the notice of the accountant. The items themselves were high, and the list was closed by a gratuity to the returning officer over and above the high charge at which that gentleman had appraised his services. The auditor naturally disallowed this; but it was found that he could disallow nothing, and the ratepayers had to pay for the ill-judged generosity of the school board. The next case was that of a Northern burgh. It appeared that opposition had arisen to certain acts of the school board. The inhabitants and the ratepayers were not pleased with what was being done, and a public meeting was called. Placards were posted all over the town, and a demonstration was made against the school board. The school board did not like the aspect of things—in fact, it became frightened. It entered into negotiations with the leaders of the opposition, and the result was that it agreed to pay, out of the pockets of the ratepayers, the expenses of their opposition. £30 were handed over to these gentlemen, and the school board charged it in their accounts. In another town, a sum of no less than £100 was given

to the clerk of the deacon's court of a Dissenting chapel, in consequence of "his valuable services in the transfer of schools"—services, the House would observe, which were rendered not to the school board, but to the court of which the deacon was the clerk. Here, again, there was no redress. The next case was in a well-known seaport. There the school board, some time after the election, received the accounts of the election expenses incurred by some of their own members, and defrayed these expenses, in plain defiance of the 3rd section of the Act which had constituted them. The last case was in a burgh in the North of Scotland. There had been some extraordinary change of opinion in the school board of that burgh, on the question of maintaining two separate schools or making them into one school. The school board had decided the case both ways; and its business had consequently got into a muddle, causing great excitement. Hoping to escape from its dilemma, the school board conceived the scheme of holding a sort of *plébiscite* of the ratepayers. A hall was hired; there were placards, cabs, and even a band of music; all the excitement of an election prevailed, and the *plébiscite* was taken. The school board met next day, and voted that their proceedings were legal and regular; and charged the expenses on the rates. All these cases were, he believed, brought under the notice of the Education Board of Edinburgh, but neither the accountant nor the Education Board in Edinburgh, nor the Department in London, over which his noble Friend (Viscount Sandon) presided, had been able to disallow a single item of these absurd and ridiculous charges. He thought he had said enough to show that the ratepayers of Scotland really had a right to be protected against such charges. It was not a very extravagant request to ask that the same protection should be afforded to them as was afforded to the English ratepayers. He would remind the House and the Government that these school boards would lapse under the Act in the course of next year. Early next spring new elections must take place, and there was every reason to expect that when it was known—as by this time it must be pretty well known in the country—that accounts were subject to no sufficient audit, the extravagance which took place



sibility as well as he could where he could not give his assent to them. The number of Acts which were consolidated was very great, and whatever trouble there might be in passing the Bill through the House—and he must rely on the indulgence of the House to enable him to carry it through—he was satisfied that it was a faithful codification of the law. A similar plan might be followed in future in other branches of legislation. He looked forward to this Bill being subjected to many additions and revisions before receiving its final and complete shape, and hoped the House would be inclined to assist the Government in placing the law on as satisfactory a footing as possible.

MR. STANSFELD said, he understood that the paper entitled a "Statement showing the principal amendments of the law" applied to the reprinted Bill, and that no substantial amendment had been made in the reprinted Bill which was not in the original measure. His right hon. Friend had, he thought, made out a case for the confidence of the House in regard to the treatment of this Bill in Committee. The Bill consisted of 341 clauses, and it would be quite impossible to effect a consolidation of the law in a Bill of these dimensions, unless the House received it in good faith. They must trust to the honour of the head of the Department. He thought his right hon. Friend was entirely justified in asking the House to accord their assistance in passing this Measure. He trusted that the House would immediately go into Committee, taking the word of the President of the Board, and passing the Bill as quickly as possible into law. The hon. Member for Salisbury (Dr. Lush) had complained of the chaotic state of the law with regard to the appointment of medical officers, and this unsatisfactory state of things he said arose from the fact that he (Mr. Stansfeld) had chosen to make the Boards of Guardians the rural sanitary authority. He did not choose the Boards of Guardians, because they were already the existing sanitary authorities, and he must say that, on the whole, they had performed their duties exceedingly well. The duties conferred upon them were, moreover, in accordance with the recommendations of the Sanitary Commission. He regarded this question as a branch of the great question of local government. He did not

believe that it would be possible to make this country healthy by Act of Parliament. It must be done, if at all, by the willing and intelligent supervision of the local authorities; and if he had increased the number, he should have added to the multiplicity of conflicting bodies of which the House had heard so much last night. The whole country was at present mapped out into either urban or rural districts, and there was no part either of town or country which was not under one of these authorities. And if hon. Members would carry their thoughts towards those good times when the financial County Board would be in existence they would see the reason why he had thought it inadvisable to create new bodies and new areas, and why he had taken those which already existed. The House could not do all that it wished to do if it attempted to train the country in the work of sanitary improvement merely by legislation. It was a question of administration, and great responsibility rested upon the Local Government Board so to administer the Public Health Act as not to discourage the growing interest felt in sanitary administration by the local authorities, but to make them willing co-operators with him in the administration of the law. The statement made by his right hon. Friend was satisfactory to him, and he hoped that the policy which he had foreshadowed would be abided by.

MR. WHALLEY said, he had great confidence in the good intentions of the President of the Local Government Board. He maintained, however, that something more should be done by the Central Board than had been accomplished. He thought that Board should furnish the local authorities with special information where it seemed to be needful, relative to the principles applicable to sewage, and other matters involved in sanitary questions. He considered, also, that the officers of the Board, whether they were medical men or engineers, should institute something more than perfunctory inquiries. Care should be taken that the burdens thrown on the parishes did not become intolerable, and that the intentions of Parliament should not be frustrated.

COLONEL BARTTELOT said, he had never intended to ask his right hon. Friend to make large areas compulsory.

*Mr. Sclater-Booth*

Bill considered in Committee.

(In the Committee.)

Clauses 1 to 15, inclusive, *agreed to*.

Clause 16 (Powers for making sewers. P. H., s. 45. L. G. Am., s. 4. S. U. 1865, s. 4.).

MR. MUNTZ objected to the clause as trenching on private property and rights. It would give power to the local authority to carry any sewer "into or under any lands in their district." It would give a surveyor power to enter a man's garden, to go through his yards, or even to enter his house. Such enormous powers had never been given before. He, therefore, moved, in page 9, line 40, after "street," to leave out to "district," inclusive, in page 10, line 3.

MR. SCLATER - BOOTH explained that what was set out in the clause was simply the existing law; it had been so for the last 10 years. If the Amendment were carried, it would paralyze many important works. There were ample powers of compensation under the 307th clause.

MR. MUNTZ said, he was quite aware of the 307th clause, if it were sufficiently worded; but that appeared to be doubtful. He would withdraw the Amendment.

MR. HENLEY said, he hoped an assurance would be given by his right hon. Friend that the clause giving proper compensation to owners would be distinctly expressed. That would be but fair; if any defect existed it should be cured.

MR. SCLATER-BOOTH would very readily give his right hon. Friend that assurance.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 17 (Sewage to be purified before being discharged into streams. S. U. 1865, s. 11. L. G. Am., s. 4).

MR. WALTER said, he wished to call the attention of his right hon. Friend to line 11 in this clause. The clause provided against the conveyance of sewage into "any natural stream or watercourse," and he proposed to add these words—"or into any lake, pond, or canal." The reason he did so was that on one occasion he happened to be present at a meeting where it was proposed to carry a Bill of this kind into opera-

tion, and it was suggested that the sewage should be carried two miles off into a private lake.

MR. SCLATER-BOOTH observed, that they might hope soon to have watercourses kept pure in another way. He should have no objection to the insertion of the words proposed by his hon. Friend.

MR. CAWLEY said, he quite agreed in principle with the Amendment, but a difficulty might arise from the want of some definition in the Bill of a lake, though perhaps "ornamental lake" or something of that kind might do.

MR. WALTER said, he would have no objection to add the words "except for the purpose of deodorization." His object was that "lakes, ponds, or canals" should not be used as receptacles for the sewage. He thought the words very material to protect private property of this character from any chance of invasion in this matter.

MR. SCLATER-BOOTH engaged to bring up words on the Report which would carry out the object of his hon. Friend.

Amendment *negatived*.

Clause *agreed to*.

Clauses 18 and 19 *agreed to*.

Clause 20 (Map of system of sewerage. P. H., s. 41).

SIR LAWRENCE PALK proposed to substitute "shall" for "may," so that every local authority should provide a map of their district.

MR. SCLATER-BOOTH opposed the Amendment, as it might be the cause of adding greatly to the expense of districts.

Amendment *negatived*.

Clause *agreed to*.

Clauses 21 and 22 *agreed to*.

Clause 23 (Power of local authority to enforce drainage of houses. P. H., s. 49. San. 1866, s. 10).

MR. ERNEST NOEL said, that if the Bill were one of consolidation he would not object to this clause, but as it was one of amendment, as the clause stood it would, where new drains were made, make every person in the neighbourhood liable to the expense of their construction, although they might think them fraught with danger, and merely so many channels for the diffusion of

typhoid fever through the town, while no such danger attended the use of the dry system of sewage. He therefore proposed to amend the clause by striking out the whole of the proviso.

MR. WHALLEY wished to know what was the opinion of the Government medical authorities as to water sewerage?

MR. SCLATER-BOOTH observed, that the Local Government Department did not pledge itself to any particular system of sewerage, dry or wet; and he himself believed that both systems might be usefully resorted to. The proviso would only apply where there was an existing system of sewerage, into which, by the existing law, people could be compelled to drain.

MR. CAWLEY remarked, that whether a water-closet system, or a dry-earth system, or any other system was best did not affect the question before the Committee, as sewers must be constructed to get rid of our slops.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 24 to 33, inclusive, *agreed to*.

Clause 34 (Penalty on building houses without privy accommodation.)

MR. CAWLEY proposed to amend the clause by omitting the words which required every water-closet, earth-closet, privy, or ashpit should be furnished with proper doors and coverings. In some cases doors and coverings were most objectionable, as when the ashpit joined the privy and free ventilation was required. He would further amend the clause by providing that the conveniences referred to should be of such form and description and in such situation as should be satisfactory to the local authority.

MR. SCLATER-BOOTH opposed the Amendment, as there was great reason to apprehend that the local authorities would make an arbitrary use of such power.

Amendment *negatived*.

Clause *agreed to*.

Clauses 35 to 58, inclusive, *agreed to*.

Clause 59 (Power to supply water to authority of adjoining district.)

MR. BRISTOWE said, it would be a great advantage to have the water supplied by meter instead of by rates. He did not intend to propose any Amendment, but only made the suggestion.

*Mr. Ernest Noel*

MR. SCLATER-BOOTH said, he would have a note made of it.

Clause *agreed to*.

Clause 60 (Local authority may require houses to be supplied with water in certain cases. P. H., s. 76. L. G., s. 51. San. 1866, s. 50.)

MR. BECKETT-DENISON considered that a most important clause, but he complained that there was no power to compel the builder or owner to supply their houses with water. The question was, whether speculative builders running up houses ought to be compelled to supply them with water or not? If they did not, the local authorities had to supply water at the expense of the ratepayers. He should be glad to know whether the right hon. Gentleman had considered that matter, and whether he would insert a proviso in the Bill to oblige the builders to supply water?

MR. SCLATER-BOOTH said, that was one of the difficult questions which surrounded the question of the water supply. He could not make any distinction between speculative builders and other builders, and the clause referred to houses which had been built for years, and with regard to which no responsibility as to water supply had attached to the builders or owners heretofore. At the present moment he was not disposed to accept any such suggestion.

MR. MACIVER suggested that the word "owner" ought to be more strictly defined.

MR. A. BROWN pointed out that there were cases in which, while houses were wanted, builders could not supply water by boring, and a proper water supply could only be obtained by means of the local authorities. The only effectual remedy for the crying want of a proper water supply in many districts was to make it compulsory upon the local authorities to provide such supply, instead of leaving it to their option to do so.

Clause *agreed to*.

Clause 61 *agreed to*.

Clause 62 (Vesting of public cisterns, &c. in local authority. P. H., s. 78. L. G., s. 45. (5.) T. I., s. 121. N. R., 1860, s. 7.)

MR. PELL moved to leave out all the words after "convenient" to the end of the clause. The clause was old law, and one of its consequences was that while one end of a village had been supplied with water by the owners or landlords, the other part, the owners of which not being so careful, was left without water at all. The local authorities then came in and supplied water at the expense of the rates. That was a state of things which he thought ought not to be allowed to remain.

MR. SCLATER-BOOTH said, he had no doubt that his hon. Friend the Member for Leicestershire had some case of apparent injustice in his mind; but he could give instances in which a supply of water by the local authorities had been very beneficial. He trusted, therefore, that the Committee would not strike out the clause.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 63 to 67, inclusive, *agreed to*.

Clause 68 (Power to close polluted wells, &c. P. H. 1874, s. 50.)

MR. RATHBONE moved to insert after the words "used, or likely to be used for domestic purposes," "or in the manufacturing of drinks for the use of man." He moved that Amendment to prevent beer and soda water and other drinks being made with polluted water.

MR. SCLATER-BOOTH said, he thought that was already covered by the Bill.

MR. LYON PLAYFAIR considered the Amendment of the hon. Member for Liverpool (Mr. Rathbone) was of great importance, inasmuch as polluted water might be used without detection in the brewing of beer or manufacture of soda water, though in the preparation of lemonade it betrayed itself, by the liquor becoming viscous and ropy.

MR. J. G. TALBOT was afraid that aerated waters were deleterious, and suggested that his right hon. Friend should accept the words.

Amendment *agreed to*.

MR. BECKETT-DENISON moved further to amend the clause by the insertion of words to compel owners of wells or cisterns to repair them in case they required it. If this was not done, it would be in the power of owners who chose to deprive their tenants of water

to close up wells which, from any cause, got out of repair.

MR. SCLATER-BOOTH said, he would assent to the insertion of the words—of which, however, he had received no Notice—reserving the right at a later stage to move their omission in case it proved that they were unnecessary.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clauses 69 to 88, inclusive, *agreed to*.

Clause 89 (Definition of nuisances. N. R. 1855, s. 8. San. 1866, s. 19.)

MR. LYON PLAYFAIR asked for some information from the right hon. Gentleman as to the definition of the word "nuisance" in the Bill. A thing might be an offensive nuisance without being injurious to health, but it had been ruled in the Court of Queen's Bench that a nuisance to be a nuisance must be injurious to health, and that merely being offensive was not enough.

MR. ARTHUR MILLS said, medical men were of opinion that all sorts of matter that might by some be considered nuisances were not injurious to health. He thought the word "offensive" might be added to the word "nuisance."

MR. GORST suggested that these clauses should be postponed in order that the case affecting the smoke nuisance might be more fully considered. He knew that in the North of England some portions of the law with regard to the nuisance of smoke were unsatisfactory, and he thought an opportunity should be given to place Amendments on the Paper.

MR. SCLATER-BOOTH said, he would be sorry to see the definition of nuisance restricted to matters "injurious to health," and he would consider the matter before the Report. With regard to the suggestion of the hon. Member for Chatham (Mr. Gorst), he had to say that the clauses to which the hon. Member referred had not been altered in the slightest degree since the Bill was before the House. He had not received a single complaint with regard to the smoke nuisance; but he would be happy to put himself in communication with his hon. Friend on the point before the Report.

MR. GOURLEY said, he thought the clause, as it stood, was a step in the right direction.



Lord ESINGTON complained that smoke was an injurious nuisance, and did great damage to vegetation. There was a very strong feeling—a growing feeling—that something ought to be done to prevent injury to vegetation by smoke.

Sir ANDREW LUSK said, there were numerous descriptions of nuisances most difficult to define—for instance, a peacock, although a beautiful and proud bird, was a nuisance in some cases.

Mr. SCLATER-BOOTH gave assurance that the matter should receive his careful consideration.

*Clause agreed to.*

*Clauses 90 to 128, inclusive, agreed to.*

Clause 129 (Power of local authority to provide hospitals. San. 1866, s. 37.)

Mr. PELL moved the omission of the clause. He considered it a most mischievous clause. It was old law. For instance, hospitals were often erected and provided under the clause, when there was really no necessity for them.

Sir HARCOURT JOHNSTONE said, he hoped the right hon. Gentleman would retain the clause. Hospitals were most valuable in cases of infectious diseases to send such people to.

Mr. SCLATER-BOOTH said, infectious diseases were not spread by hospital drainage, as he was informed, and the value of hospitals for infectious diseases, such as small-pox and other infectious diseases, to which people could be sent and treated, was very great. He therefore hoped the House would retain the clause.

Mr. GOURLEY asked the hon. Gentleman the Member for Leicestershire (Mr. Pell) what he would do in case of a ship coming into port with cholera on board, if there were not an hospital to receive the affected patients? He was able to state a case wherein a ship came into harbour, and there not being an hospital in the neighbourhood to receive the patients, the ship was ordered to leave the harbour and anchor in an open roadstead. Thus not only endangering the lives of the crew but prolonging unnecessarily the sufferings of the poor fellows affected with the cholera.

Mr. WHALLEY said, this was a most important question, and one deserving the serious consideration of the Committee. He remembered one in-

stance of typhoid fever breaking out, and that a certain class of the inhabitants called in a medical man. He consulted the Central Government Board, and they advised that an hospital should be built. Well, an hospital was built, at considerable expense, and for two years no one could be induced to go into it. That such would be the case had been foretold, and the hospital was entirely useless. That was the result of the action taken by the Central Government Board without consulting the local authorities. He hoped the hon. Member would go to a division, and he should certainly vote for his Amendment.

Mr. WHITWELL said, he hoped the hon. Member for Leicestershire would not act upon the expressed wish of the hon. Member for Peterborough.

Mr. PELL asked where was the money to come from to build hospitals?

Mr. SCLATER-BOOTH: Out of the general expenses of the district.

Mr. PELL said if, that was the case, he should divide the Committee, for the clause was a most unfair one to the rate-payers. It would make parishioners who did their duty as regarded sanitary government pay for some parishioners who, from ignorance or otherwise, had failed to do their duty and take proper precautions. He was not speaking without book, for he knew of a case where typhoid fever had broken out in his own parish. The medical men said, "build an hospital;" but, as there were no funds, that was not done. The sick people were to have been moved into a school; but that was prevented. While the doctors were trying to do that the people stopped up all the wells and brought water into the place in carts from a distance. They drained the village, and from that time there had never been another case of fever in the place. If a hospital had been built it would be standing there at that time perfectly useless.

Mr. SCLATER-BOOTH said, that almost all workhouses were provided with fever wards, but there were many populous places where hospitals were required.

Mr. PELL maintained that these three clauses did not meet the case of paupers.

Mr. LYON PLAYFAIR said, he hoped the Committee would not be divided on such a question.



MR. HENLEY said, he thought that unless they were very careful the benefit now given by cottage hospitals would be lost, and that the class that was bordering on the verge of pauperism would find themselves altogether deprived of relief.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 130 to 167, inclusive, *agreed to*.

Clause 168 (Urban authority may provide place for public meetings, &c.)

MR. PELL opposed the clause, which, he observed, was new law and of very questionable advantage. Such places, built at the expense of the ratepayers, might be let, he presumed, to Messrs. Moody and Sankey, or for objects which did not warrant the expenditure of large sums of public money. He thought the right hon. Gentleman was hardly serious in proposing such a clause.

MR. SCLATER-BOOTH said, he did not think this clause was of any great importance, but it had been pressed upon him during the last 12 months from various quarters of the country. Places which were towns all but in name often did not possess a public building for meetings. If they were municipal boroughs they would have a town hall, and it seemed only right that such places should have similar accommodation. The power was strictly guarded, and could only be exercised with the consent of the ratepayers. He could see no objection to the clause himself, but would not press it if the feeling of the Committee were against it, but he would recommend them to pass it. It was not new law, but clauses of a very similar character had been passed which were not new law.

MR. WHITWELL opposed the clause, fearing that it would lead to great and unnecessary expenditure.

SIR HARCOURT JOHNSTONE said, he thought the clause valuable, and the power one which ought to be given.

MR. WHALLEY also supported the clause, believing that the facilities it would give for holding public meetings in certain localities were necessary; but while increasing these facilities, care should be taken to preserve the liberty of speech, which, by the doctrine of Contempt of Court and in other ways, had of late been seriously endangered.

SIR ANDREW LUSK strongly supported the Bill, urging that as the clause provided that those buildings were to be erected with the consent of the ratepayers he could see no reason why Parliament should interpose a difficulty in this way. They ought to help those who were inclined to help themselves.

COLONEL BARTTELOT said, the clause did not deal with sanitary questions, and was therefore out of place in a Public Health Bill.

MR. DILLWYN said, he thought the clause objectionable, inasmuch as, though the buildings were to be provided with the consent of the ratepayers, the majority would bind the minority, who would have to pay for the buildings whether they liked them or not.

MR. SCLATER-BOOTH said, he had no intention, as he before stated, of pressing the clause against the wish of the Committee. He would, therefore, with the leave of the Committee, withdraw the clause, and the discussion could be revived on the Report, if any hon. Member thought fit to do so.

Clause *negatived*.

Clauses 169 to 189, inclusive, *agreed to*.

Clause 190 (As to medical officer of health, &c. P. H., s. 40. P. H. 1872, s. 10. P. H. 1874, s. 5.)

MR. RATHBONE moved the addition of words enabling the medical officer to appoint a deputy in case of illness or incapacity.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clauses 191 to 198, inclusive, *agreed to*.

Committee report Progress; to sit again *this day*.

And it being now five minutes to Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

#### EDUCATION (SCOTLAND) ACT.

##### RESOLUTION.

SIR WILLIAM STIRLING-MAXWELL rose to call attention to certain defects of the Scotch Education Act; and to move—

“That it is expedient that the provisions of the Scotch Education Act relating to the trans-

ference of Denominational and Subscription Schools to School Boards be assimilated to those of the English Education Act, in order that such transference may be facilitated, and the burden on the ratepayers thereby relieved; and that an effectual audit of the annual accounts of School Boards in Scotland be by Law provided."

The hon. Baronet said, he rose with great reluctance in pursuance of this Notice, and he could assure the House that he should be as brief as he possibly could. He regretted that no steps had been taken to remedy the defects of the present Act during the present Session. It was only on account of the many representations that had reached him from persons whose opinions were well worthy of consideration that he took the liberty of calling the attention of the Government and of the House to the amendments he had ventured to suggest. In remarking that the Education Act of Scotland was at present in a very defective condition, he would not be supposed to speak with any Party bias. The changes which that Act made in the system of Scotch education were so numerous and so sweeping that it was hardly to be expected that such an Act could be passed in a state which would not be found to require considerable amendment. In the late House of Commons, in which it was passed, he had not the advantage of possessing a seat, and he took no part in the discussion of the subject out-of-doors. It was under these circumstances that he had the honour of being selected by the late Government as a member of the Education Board in Scotland—a position which gave him the opportunity of seeing the working of the Act more than perhaps any other person, except the hon. Member for the Falkirk Burghs (Mr. Ramsay). Since he had placed this Motion upon the Table, he had received a large amount of correspondence upon the subject—so large that he had been obliged to leave much of it unanswered. A number of the letters he had received came not from his own political friends, but from Gentlemen belonging to one or other of the parties composing the other side of the House. The Resolution that he had placed upon the Notice Paper alluded to what appeared to him the two principal and main defects of the Scotch Education Act, and those defects he proposed to notice in their order, giving his reasons for considering them defects which required

immediate legislation. But before proceeding to speak of them, he would mention other defects of the Act. He would take them at random, and as they presented themselves to his notice; and would remark, before alluding to them, that in nearly all the points he was about to refer to, defects existed in the Scotch Education Act which were not to be found in the English measure of 1870. He would deal first with the borrowing powers of school boards. As the House was well aware, school boards were empowered by the Act to borrow sums of money from the Public Works Loans Commissioners for the purpose of "providing and enlarging schools." Those powers in Scotland were not held to cover many items of expense which were very serious and important, and which in the aggregate sometimes amounted to as much as the cost of new schools. There were repairs, furniture, enclosure of ground, water supply, and there might be other charges. These items were not included in the Scotch Act, though he believed that they were in the measure applying to England. When sites were required by schools, there were no compulsory powers in the Scotch Act by which they could be obtained. The crotchets or unreasonableness of a single landed proprietor might put a whole district to very considerable inconvenience. This, he was sorry to say, was no imaginary case; such occurrences had taken place. Grave doubts appeared to exist whether it was legal for a member of a school board to sell a site to a board of which he was a member. It was obvious that in many cases no land could be obtained except by purchase from a member of a school board, unless, indeed, he presented it as a free gift. It was known, he believed, to the House generally—Scotchmen were certainly aware of the fact—that school boards were compulsory by law all over Scotland. No matter how remote the district, no matter how satisfied the inhabitants of a district might have been with the old system of education, still these school boards must be formed. One would have expected that an Act which compelled the election of school boards would have at least been careful and precise in its directions as to their procedure; but that was very far from the fact. Even in the most obvious matters they

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had been left entirely without directions. One would have supposed, for instance, that such circumstances as death and removal would have been in the minds of those who framed the Act; but, strange as it might appear, they had not made any provision for those contingencies amongst a people who were, like other men, mortal, and beyond other men, migratory. He was not sure that it was unlawful for the chairman of a school board to die; but there were grave doubts whether his disconsolate fellow members might provide him with a successor. Resignations of members had not been unknown; but they had the opinion of eminent counsel that resignation was not legal. There were several cases in regard to this point worth mentioning to the House. In one instance known to him, four members out of a school board of five resigned. The survivor, contrary to all law, picked up four of his friends, placed them on the school board, and now conducted the educational affairs of the parish according to a law of his own making. In another case, a death vacancy having occurred, two of the members, without retiring from the board, expressed their intention of attending no more meetings. The educational proceedings of that parish were paralyzed. No assessment was raised for the next year, and the schoolmaster had to go without his salary. Again, nothing in the Act vacated a seat at a school board. No neglect of duty would affect the tenure of a seat, or render its vacation necessary. Bankruptcy did not vacate it, neither did imprisonment for crime. He would beg the House to remember that he was not putting an imaginary case, but speaking of things which had actually occurred. One gentleman had the misfortune to become bankrupt, and he was requested to resign his seat. He replied that he would do nothing of the sort; and that having now no business of his own, he would have more time to attend to the affairs of the school board. Members of school boards were not precluded from holding places of profit under the boards to which they belonged. They might even enter into pecuniary contracts with their own boards. He thought it was only necessary to mention these defects to show how much the Act

required amending. He would say nothing as to the grievances of the teachers, but merely remark in passing that whereas the Act was devised, amongst other objects, to improve the status and position of those gentlemen, it had had a most unlooked-for effect. Any schoolmaster that met with an unreasonable board had no way whatever of enforcing the rights that the Act gave him except by an appeal to the tribunals of his country. He thought that an Act which created such an elaborate machinery ought to have provided for such contingencies; and ought not to have left petty differences between schoolmasters and school boards to be fought out before the Court of Session. He had now exhausted the general remarks which he had to make upon the Act, and would turn to the two points touched upon in his Motion. The first of these, the House would observe, touched the transference of schools, and affirmed that—

“It was expedient that the provisions of the Scotch Education Act relating to the transference of Denominational and Subscription Schools to School Boards should be assimilated to those of the English Education Act, in order that such transference might be facilitated, and the burden on the ratepayers thereby relieved.”

After the passing of the Scotch Act, it might have been fairly assumed that all persons connected with the schools in question would be very desirous, at all events quite willing, to transfer them to school boards. The object they had in view was, the education of the people; and they might reasonably expect that when its superintendence was transferred to a body formed of the representatives of the people, that object would be carried out in a much more efficient manner. All the usual motives of human action—generous and selfish, patriotic and calculating—seemed to combine to suggest and prompt such transference. But what had been the result? The Church of Scotland, at the time of the passing of the Act, had 900 to 1,000 schools. Of this number 78 were transferred to the school boards, 420 were still in operation under their old management, and something like from 460 to 500 might be supposed to be discontinued. The Free Church had 548 schools in operation at the passing of the Education Act. Of this number 142 had been transferred, 95 were still in operation, and they might therefore suppose that 311 had been discontinued.

With regard to other denominations, he was not furnished with the figures, except that he knew that in the case of the United Presbyterian body only a single school had been transferred to a school board. He did not give the House these figures as being precisely accurate; but they approximated near enough to accuracy to give an idea of the working of the Act. The Act was passed, he contended, mainly for the purpose of promoting transference, but so far it had proved unsuccessful. It was not difficult to discover the cause of its ill-success. The cause was to be found in the stringent provisions of the Act. Instead of blaming the trustees of the various denominational schools because so few schools had been transferred, they had reason to thank them that so many transferences had taken place. The conditions with regard to the transfer were much more onerous in Scotland than in England. A small amount of debt on a school was sufficient to prevent a transfer. When there was debt on a school, some such negotiations as this took place:—The trustees of a Free Church school, that was to be transferred, said to the school board—"We are willing to transfer our school, but we have debt upon it to the amount of £100, which we think you ought to pay." The school board, however much they desired to acquire the school, were obliged to say—"We are precluded by the Act from assuming any debt." The result was that the building was converted into something else; and the parish, instead of obtaining the school for such sum as, say, £100, in many cases would spend from £1,200 to £1,500 in the erection of a new one. No doubt the stringency of this condition might be defended on the ground that it was meant to put down private jobbery; but he thought that in attempting to protect the public from pillage they had overshot the mark, and subjected the public to almost equal expense in the creation of new schools. Other conditions imposed upon those who desired to transfer their schools were also very onerous. Free Church schools were in many cases built in connection with manses and churches. He mentioned the Free Church on account of the large contributions it had for so many years made to the educational

prosperity of Scotland. The school, the church, and the manse often formed a group in a village, or the neighbourhood of a town. It was surely reasonable that the trustees in whom this property was invested, in transferring the school should wish to make some arrangement by which it should be maintained as a school and not be used for any other purpose. Here, again, the Act came in and stopped them. The school board was obliged to say—"We think your school is a very good one; we may not be able to build such a one for double the money; but we cannot enter into any negotiation. We must have full power over the building, and the only condition we can make with you is that while it remains in our hands you are to have the use of the school when it is not required for teaching purposes." Thus the negotiation fell to the ground; the trustees very properly declining to take the risk of the school being appropriated to other uses—being turned, perhaps, into a public-house or a music hall, or some purpose which would damage their adjacent property. Here, again, the Act failed—the school was not transferred, and a new school had to be erected at great cost. He thought it would be obvious to hon. Gentlemen that in these points the Act required amendment, and should be assimilated to the English Act, where a school might be transferred to a school board, if the debt with which it was charged did not exceed the value of the building. He was not sure that the people of Scotland would ask even so much as this. He thought that if the debt were to be restricted to half the present value of the property, that might be a very fair and reasonable compromise. But he maintained that the public, as represented by the school boards, should have the opportunity of acquiring these schools for what, he believed, would turn out to be reasonable terms. Let the Government, in dealing with the question, take proper precautions against jobbery and institute a searching scrutiny; but let the great waste of public money which he foresaw in the ensuing year be, if possible, avoided. The reason why he especially pressed this point upon the Government was that even if in a future Session the remedy which he sought should be provided, it would come too late; the new schools

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would have made considerable progress towards completion; and many of the present schools would have been applied to other purposes. He now came to the last point of his Resolution—namely, the question of audit. This was a case which only required stating; and he need not trouble the House with any argument on the subject. By the provisions of the Act the Edinburgh Education Board were empowered to appoint an accountant, and they had accordingly appointed a very efficient officer, with a competent salary. This gentleman entered upon the course of his duties last year, when the accounts of the school boards were presented to him, and he, of course, criticized them carefully, and pointed out various items which he conceived violated the law and which ought to be disallowed. But upon examination it turned out that no power existed anywhere to disallow any item, however it might contravene the obvious letter of the Act. He would give the House some examples of cases which had actually occurred. The first that he would take was that of a rural parish. The high charges which the returning officer had made for the election of a school board in that parish attracted the notice of the accountant. The items themselves were high, and the list was closed by a gratuity to the returning officer over and above the high charge at which that gentleman had appraised his services. The auditor naturally disallowed this; but it was found that he could disallow nothing, and the ratepayers had to pay for the ill-judged generosity of the school board. The next case was that of a Northern burgh. It appeared that opposition had arisen to certain acts of the school board. The inhabitants and the ratepayers were not pleased with what was being done, and a public meeting was called. Placards were posted all over the town, and a demonstration was made against the school board. The school board did not like the aspect of things—in fact, it became frightened. It entered into negotiations with the leaders of the opposition, and the result was that it agreed to pay, out of the pockets of the ratepayers, the expenses of their opposition. £30 were handed over to these gentlemen, and the school board charged it in their accounts. In another town, a sum of no less than £100 was given

to the clerk of the deacon's court of a Dissenting chapel, in consequence of "his valuable services in the transfer of schools"—services, the House would observe, which were rendered not to the school board, but to the court of which the deacon was the clerk. Here, again, there was no redress. The next case was in a well-known seaport. There the school board, some time after the election, received the accounts of the election expenses incurred by some of their own members, and defrayed these expenses, in plain defiance of the 3rd section of the Act which had constituted them. The last case was in a burgh in the North of Scotland. There had been some extraordinary change of opinion in the school board of that burgh, on the question of maintaining two separate schools or making them into one school. The school board had decided the case both ways; and its business had consequently got into a muddle, causing great excitement. Hoping to escape from its dilemma, the school board conceived the scheme of holding a sort of *plébiscite* of the ratepayers. A hall was hired; there were placards, cabs, and even a band of music; all the excitement of an election prevailed, and the *plébiscite* was taken. The school board met next day, and voted that their proceedings were legal and regular; and charged the expenses on the rates. All these cases were, he believed, brought under the notice of the Education Board of Edinburgh, but neither the accountant nor the Education Board in Edinburgh, nor the Department in London, over which his noble Friend (Viscount Sandon) presided, had been able to disallow a single item of these absurd and ridiculous charges. He thought he had said enough to show that the ratepayers of Scotland really had a right to be protected against such charges. It was not a very extravagant request to ask that the same protection should be afforded to them as was afforded to the English ratepayers. He would remind the House and the Government that these school boards would lapse under the Act in the course of next year. Early next spring new elections must take place, and there was every reason to expect that when it was known—as by this time it must be pretty well known in the country—that accounts were subject to no sufficient audit, the extravagance which took place



in 1873 would be repeated, if not exceeded, in 1876. He believed that most of his hon. Friends from Scotland in that House, to whatever Party they belonged, or whatever their own private opinions might be as to this Act, would admit that more than a year ago it began to excite considerable discontent in Scotland. The assessments had given rise to very great dissatisfaction, and he was sure that all hon. Members who went through a contested election last year, must be perfectly aware of this fact. He did not say this was of itself a conclusive reason for altering or amending the Act; but he thought that considering how well disposed his countrymen were to education, and what sacrifices they had shown themselves capable of making for it, it was not likely that in that country, at least, any ignorant clamour would be raised against the just and necessary expenses of education. Thanking the House for the patient hearing it had given him, he would entreat the Lord Advocate and the Vice President of Education to take this grievance into their consideration, and remedy it by some short Act during the present Session providing a power of transferring of schools on fair terms, and an efficient audit of accounts—things which he believed he had shown to be urgently required. The hon. Baronet concluded by moving his Resolution.

MR. RAMSAY said, that the able statement to which the House had just listened had rendered it unnecessary for him to occupy much time in making any remarks on the Resolution before them. He thought, however, that it might satisfy the minds of those who had taken an interest in the subject of education in Scotland if he explained that the Board of Education had been guided by the opinion of eminent counsel, which was obtained about 18 months ago at the instance of a committee of the General Assembly of the Free Church, who were appointed by that Assembly for the purpose of carrying out and facilitating the transfer of the Free Church schools to the school boards in the various parishes and burghs throughout Scotland. That Committee addressed to the counsel the following questions:—Would it be competent under the Education Act for the school managers to stipulate as a condition of transfer, and for the school board to accept the same

—First, that in the event of the school and other buildings ceasing to be used by the school board for the purpose of the Act, the property shall revert to the congregation; or, secondly, that in the event of a sale the congregation shall have a right of pre-emption? Would it be competent to the school managers to stipulate and to the board to agree that in the event of a school being sold the board shall be bound to provide the same accommodation as at present furnished by the existing school, and to make such stipulation a real burden affecting the property? Would it be competent for a school board to accept the use of schools, not by way of lease, but for an indefinite time? It was unnecessary that he should read all the questions addressed to counsel, as some of them had no direct reference to the terms of the Resolution before the House; but the questions which he had read were answered—all of them in the negative. On a subsequent reference to the Board of Education, that Board had held that while it was not competent for a school board to accept the lease of a school for an indefinite time, there might be cases in which trustees of existing schools might grant the temporary use of them which a school board might accept. He thought he had sufficiently shown the necessity for a change in the law, and therefore would not take up the time of the House with further illustrations. There was another question which affected the ratepayers very much, and although he concurred with the hon. Baronet in saying that their countrymen would not object to any reasonable expenditure for educational purposes, yet he thought it could not be the will of the Legislature that any unnecessary expense should be put on the ratepayers or the Treasury. Now, there were several points in regard to which something might be done in the direction of economy. The elections, which were numerously contested on the last occasion, were likely to be contested again in the same way next year, and the total expense of the first election was found from the Return obtained by the hon. Member for Edinburgh (Mr. M'Laren) to be above £28,000. Now, this was an expense which he thought might well be mitigated, by making the elections not triennial, but once in every five years. If the schools were once properly or-

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ganized and the teachers doing their duties efficiently, it was not necessary that the school board should do much, and there was no reason for a change. Then there was another point. He did not see the necessity for making a new electoral roll, but thought the roll made up for Parliamentary elections might very well be taken, and although it might diminish the number of electors, yet the persons left out would be those who paid the least towards the rates, and took the least interest in the matter. There was good reason why greater facilities should be offered to persons interested in denominational schools to transfer them to the school boards of the country, rather than that they should be shut up or converted into dwelling-houses, as they certainly would be. He thought it might reasonably have been contended that, with regard to bodies like the Free Church, which had expended large sums in the erection of schools when no adequate provision was made for educational purposes, the sale of these schools should be sanctioned. But the hon. Baronet did not proceed so far, and only contended that the school board should be authorized to pay the debt of any school it took over. He thought this proposal was a very reasonable one. Under the law of 1870, as amended in that of 1873, English school boards were authorized to take on lease any existing school, subject to restrictions or not, as might be arranged, and were authorized to pay a nominal rent, an understanding which he found was very liberally interpreted. In Scotland they could not rent any existing denominational school, and he thought it, therefore, of very great importance that something should be done in the direction indicated in the Motion, and he joined in the appeal that something should be done to give relief on this and other points to the people of Scotland. In conclusion, he gave Notice of his intention to propose that Amendments with this view should be made on the Sutherland and Caithness Bill. He begged to second the Resolution.

**Motion made, and Question proposed,**

"That it is expedient that the provisions of the Scotch Education Act relating to the transference of Denominational and Subscription Schools to School Boards be assimilated to those of the English Education Act, in order that such

transference may be facilitated, and the burden on the ratepayers thereby relieved; and that an effectual audit of the annual accounts of School Boards in Scotland be by Law provided."—(Sir William Stirling-Maxwell.)

MR. M'LAREN said, he thought the people of Scotland were very much indebted to the hon. Baronet for bringing this matter forward; and, for his own part, he thoroughly agreed with the Resolution before the House, although he confessed he did not agree with some of the reasons and illustrations by which it had been supported. It appeared to him that the main evil which existed under the administration of the Education Act in Scotland was the extravagance of school boards, and the absence of any efficient audit. The Resolution of the hon. Baronet, however, struck at the root of the evil. In Scotland an auditor merely meant a person who should add up the accounts and certify that they were clerically correct. He had had some experience of auditing, and never once found an item struck off. In England the Poor Law auditor not only added up the accounts, but examined them in order to see that the items of the expenditure were in accordance with the provisions of the Act of Parliament, and if they were not, then he struck them out; and what they wanted in Scotland was an auditor who should in like manner disallow all items which came in contravention of the School Board Act. The amount of expenditure incurred by the school boards during the last year or two was perfectly appalling. They had heard a great deal about the good Education Act, and especially about its being a good deal better than that for England. The expense of education before the Act was passed was £50,000 a-year. Now, the expenditure for elections alone, as shown by the Return which had been alluded to, was £28,000, and some of the places where disputes had arisen had not given any Returns. The city which he had the honour to represent—Edinburgh—was pre-eminent in its extravagance; and, in consequence of the auditors refusing to pass the accounts, the expenditure of that city, amounting to £2,500, was not included in the Returns. Salaries, too, had been largely on the increase, and £270,694 was now given in salaries formerly mainly included in the £50,000.

Schoolmasters, in many cases, had been exceedingly rude in setting the school board at defiance, and refusing to admit them to the school; and he was sorry to see that a judgment of the Supreme Court seemed to sanction this overbearing and highly reprehensible conduct by the teachers to their superiors. Scotland prided herself on having a school for every parish in the country; but on reference to the Estimate for the present year it would be seen that new schools had been erected in rural parishes alone to the cost of £500,000, and in burghs to the extent of £250,000, making altogether £779,000 that had been estimated in the current year for building school-houses in a country which was supposed by those who knew little about it to be so amply furnished with schoolmasters and schoolmistresses. This was a startling statement, and it seemed to him necessary that Parliament should put some check on this expenditure. He knew of no method so good as the system of audit. The mere odds and ends of the expenditure of the present system amounted to more than the whole cost of the former parochial schools. The total expenditure for the present year was estimated at £1,137,832. This was a startling sum for a small country like Scotland to spend in one year for educational purposes, on a population not much exceeding 3,000,000. The expenditure for salaries of teachers, &c., was £295,694; for salaries of other officers £33,254, and the estimated general expenditure, which did not come under specific heads, £50,896. It appeared to him that one great cause of this new state of things was the new mode of electing members of the boards. In place of taking men who would manage economically, they looked for men who were supposed to be educated men, and who did not care a straw about expenditure or where it came from, and they had managed matters in the extravagant way to which he had alluded. By the use of cumulative votes he defied any man to have the least idea of how the elections would go in large constituencies; but had the elections been under the ordinary system, men much more given to economical views would have been appointed. The hon. Baronet had mentioned the difficulty of getting denominational schools transferred to local

school boards. The hon. Baronet had rather misled the House in saying that the United Presbyterian body, numbering several hundred thousands, had only transferred one school to the school board. The explanation was that the United Presbyterians disapproved altogether of having denominational schools. They held that the parish school was the national school, and that the United Presbyterians had the same right as Churchmen to those schools. This accounted for the fact that the United Presbyterian body transferred so few schools. The objection was, in his opinion, well founded to giving up the schools of the religious bodies to the parishes without having the use of them for religious classes for young men or girls, or prayer meetings, or purposes for which the school-houses were erected by the religious denominations. Schools transferred should be held to be the property of the parish to be used for any parochial purpose—for temperance meetings, religious meetings, political meetings, and other purposes. He rejoiced exceedingly at this Motion having been brought forward by the hon. Baronet, and he hoped the right hon. and learned Gentleman the Lord Advocate would endeavour to do something, either in the Bill now before the House or in another Bill, to remedy this state of things. The Act provided that the school accounts were to be concluded on the 15th day of May in each year, but were not to be sent in until the 1st day of January. It appeared to him that this period of nearly seven months was too long an interval. He would venture to say the largest establishment in Scotland would balance their accounts in one week. When kept over in this way there was great temptation to manœuvring and dishonesty. He had only now to say a few words on what the Americans called the "one-man system of legislation" which prevailed respecting Scotland. The Lord Advocate for the time being, and not the members, performed the legislation. It was so in the passing of the Education Act, and however unwise some of the clauses were, Members knew that to rise in the House and point them out would be useless. This was the cause of so many bad working clauses being in the Bill, which would have been rejected had the common sense of Members of that House been allowed to

operate in giving effect to changes which might have been made.

THE LORD ADVOCATE said, he found some difficulty in making himself heard by reason of the hoarseness under which he was labouring, but he would endeavour to do as well as he could. It must be understood that the Government who now sat on his side of the House were by no means responsible for the provisions of the Scotch Education Act. He himself availed himself of opportunities for taking exception to many of its provisions; but, unfortunately, he felt his voice had not much weight in the discussion, and his objections, which were such as had arisen in the course of the present discussion, were not entertained. He felt it his duty at an early period of the Session to bring under the consideration of the Government the question whether there should be any amendment of the Education (Scotland) Act in the course of the present Session. The general impression was that it would be premature to bring forward any amendment of the Act of 1872 until a longer opportunity had been afforded to watch the working of the Act. Therefore, it was that the Government did not authorize him to bring forward any amendment. It could not be regarded as anything but reasonable action on the part of the Government that they should decline to rush into the amendment of an Act which had been so lately passed. They preferred to give a fair amount of time for its defects and its advantages to be fully ascertained. Nobody was more entitled to express an opinion on the working of the Act than the hon. Member for Perthshire (Sir William Stirling-Maxwell), and he could appreciate the feelings under which he had acted in bringing forward his Resolution. He would, however, beg the House to remember that the Resolution was only placed on the Paper that morning; and therefore it was really not known what were the points to which the hon. Member intended to direct the attention of the House. It now appeared that there were two points in respect to which he thought it was necessary to ask for immediate legislation. He must tell his hon. Friend that the representations and complaints made to him had been by no means confined to those two points. There were many other points in refer-

ence to which dissatisfaction had been expressed. The difficulty the Government had felt was this—that if they brought in a Bill now, stirring up anew the questions which were dealt with in 1872, there was no saying to what extent they might not be called upon to extend their amendments. His hon. Friend had confined himself to the two points; but if a Bill were brought forward for amending the Scotch Education Act of 1872, they would find that those two points by no means comprised the whole of the objections, but that many others would be brought forward. That was a circumstance which must be taken into consideration. The Government felt that there were details in the Act of 1872 in regard to which some amendments would eventually be necessary; but the question was, whether the time had yet arrived for such amendments to be made? The Resolution asked, in the first place—

“That the provisions of the Scotch Education Act relating to the transference of Denominational and Subscription Schools to School Boards be assimilated to those of the English Education Act, in order that such transference may be facilitated, and the burden on the ratepayers thereby relieved.”

But he was afraid his hon. Friend could hardly have understood what the provisions of the latter Act were as interpreted by the Privy Council. He would find, on reference to the provisions of the English Act, that the Education Department was precluded from agreeing to the transference of voluntary or denominational schools to school boards except for a mere nominal consideration, and not on a valuation of the schools as they at present existed. The policy of the English Education Act of 1870, for which the present Government were not responsible, was that wherever they found schools which had been instituted for the purpose of affording education to the poor, those schools should be made available as board schools without any payment being made to the owners by way of price. The reason of that was apparently the feeling that where buildings had been erected by means of Government grants and public subscriptions for the purposes of education, when a school board assumed the responsibility of supplying education for the poor, the buildings in question should be transferred to the board without



any price excepting such payment as might be considered fair on account of charges or burdens actually affecting the buildings at the time of the transfer. The 23rd clause of the English Act laid down the rules by which existing elementary schools might be transferred to the school board, and the 38th and 39th clauses of the Scotch Act provided for the transfer of existing schools on similar principles. The opinion of counsel had been taken on this very point. One of the counsel was the right hon. Gentleman the author of the Act, the late Lord Advocate. He said that, in his opinion, it was intended that schools which had been erected by subscriptions and Government grants should not be the subjects of acquisition by purchase, but that they fell under the 38th and 39th sections of the Scotch Education Act, and that it was deliberately intended such should be the effect of the Act. The hon. Member for Perthshire was mistaken in supposing that Scotland was placed in any worse position than England. It was contrary to the intention both of the English Act of 1870 and the Scotch Act of 1872 that existing voluntary schools should be taken by school boards for any other consideration than the charges actually existing in regard to them. He wished to remark that it was not till that morning he knew of the nature of the first Resolution; and he would point out to the hon. Baronet that so far as the audit was concerned the present Government were not responsible for the system which had been adopted, but when they came to consider what amendments ought to be made in the Act this was a matter which would deserve very careful attention. If, however, they were at the moment to open the question, he was at a loss to say where they would have to stop. Ought they not to wait to see the result of the election which would take place in the course of the next year? If they once opened a sluice there was no saying what the rush might be. He was afraid that quinquennial instead of triennial elections would not be satisfactory to those who found they had got a board of whose policy and proceedings they disapproved. The last part of the Resolution had reference to the question of audit, and if that question could be separated from that of the general revision of the Act it might

be perhaps possible to deal with it this Session.

SIR EDWARD COLEBROOKE said, he thought they might make a distinction between the amendments which were, in a great measure, new to the House, and which had not been much ventilated in the country, and those which were urgent. He did not think it would be wise, after the statements made by the members of the Board of Education as to the abuses which had arisen, that they should wait for the new election to see what might happen. He thought the hon. Member for Perthshire had made out a strong case, and he would put it to the Government, and to the House whether they might not meet his proposal at once. He would submit that the subject might be further followed out by Committee in a written Report, so as to bring the facts clearly before the Government, the House, and the country. Something had been said about the way in which the Scotch Act was carried through the House; but he thought it was unfair to cast upon the Lord Advocate of the day all the responsibility which ought to be borne by the House, which passed the measure, including the Scotch Members.

MR. LYON PLAYFAIR said, he thought they might depend on it that if there had been a large expenditure amongst the prudent and economical Scotch, it was because such an expenditure was required. His hon. Friend the Member for Edinburgh (Mr. M'Laren) spoke as if the whole expenses of the education in Scotland was represented by the cost of the parochial schools, amounting before the Act to £50,000 a-year, but that did not represent anything like the cost. Then, it had been said that the denominational schools were being slowly absorbed; but his conviction was that they were being absorbed as rapidly as could be expected, although he would be glad to see some of the difficulties to transference removed. In the very first year of the existence of the Scotch Act 415 schools were absorbed into the national system, of which 228 were subscription schools and 186 schools belonging to separate denominations. He quite agreed with the Lord Advocate that it was a very dangerous thing to open the flood-gates by a complete alteration of the Act at present. It was perfectly certain that



in working such a large new system, making it, in fact, national over all Scotland, defects would be found. The defects were such as could not have well been foreseen. There was one thing they were all agreed upon, and that was that a system of audit would be of great benefit; and if the Government would give them a short Act on the subject, it would be very much valued. He thought it would be desirable to let them derive more experience from the working of the Act generally, but to bear in mind the suggestions which had been brought before them.

MR. DALRYMPLE said, he thought that during the present Session it would be well not to meddle with the Education Act, although no one could be more sensible than he was of the force of some of the complaints made in regard to its operation. He was never a great lover of the measure; but, at the same time, he was of opinion that the Bill was drawn with such remarkable skill that any Amendment made at the time when it was before Parliament would have been fatal to it. He hoped it would be allowed to remain in operation undisturbed a little longer, in order that the country might thoroughly understand the mischief caused by some parts of the Act, and the probable incidence of the rate for the future, which at present acted very oppressively in some districts. The absence of a proper system of auditing hitherto might have led in some cases to an unnecessary burden of taxation. He hoped that his hon. Friend the Member for Perthshire would be satisfied with having called attention to the subject, and that hon. Members who sympathized with the Motion would not be called upon to vote against the Government, and thus place themselves in a false position, at all events, with reference to the Lord Advocate, who was fully conscious of the importance of the complaints which were made, and who, when the proper time arrived, would no doubt be prepared to deal with them.

MR. ANDERSON said, the Scotch Members ought to thank the hon. Baronet for bringing forward this subject. Although he could not agree with all the remarks of the hon. Baronet, particularly those respecting the grievances of teachers, still on many other points he had made out a very strong case indeed, which was not met by the Lord

Advocate saying it was too soon to make any amendment of the Education Act. The present Government had not shown the same caution in regard to other measures of the late Administration, as might be seen in the glaring instances of the Endowed Schools Bill, and the Regimental Exchanges Bill, in both of which they had been eager to upset the legislation of their predecessors. Greater facilities ought to be given for the transfer of schools, or irreparable evils would take place. He considered a better audit desirable, and if the Motion was pressed to a division, he should give it his support.

MR. KINNAIRD suggested to the Government that, although it was out of the question to attempt to re-model the Education Act this Session, they would have no difficulty, after the unanimous expression of opinion by Scotch Members, in passing a Bill to deal with the question of audit.

VISCOUNT SANDON said, the earnest wish on both sides of the House was to make the Scotch Education Act work as efficiently as possible. With regard to the transference of schools, the Government were not prepared to hold out any hopes of putting the powers of transference of denominational schools in Scotland on a different footing from what had been accorded to the denominational schools of England. The subject had been watched with great care in England, and there were more dangers to be avoided than hon. Members who had not watched the matter as attentively as the Government, were aware of. There was considerable difficulty, for instance, in dealing with the subject of tests, because when a school received the Government money a declaration had to be made that it was free from any tests whatsoever. Objections were also entertained to paying the money of the ratepayers to the denominations to which these schools belonged. With regard to the matter of audit it was a very grave fault in the Scotch Education Act that there was no means of checking the expenditure of the school boards. The complaints which the Government had received were of so serious a nature that they shrank from opening up the whole subject of the Act during the present Session, but sooner or later a satisfactory audit must be provided. He asked the House to leave it to the discretion of the Government to deter-

mine when would be the best time for dealing with the question of audit, which he assured the House would receive their very best attention. The Government would consider very carefully whether the matter could be dealt with either this year or in a short time; but it must be dealt with soon as the grievance was too serious to be neglected.

SIR WILLIAM STIRLING-MAXWELL, in reply, said, that after the favourable reception his proposal had received, he thought it would not be fair of him to put the House to the trouble of a division. His noble Friend acknowledged the urgent need of an audit in Scotland; and the Lord Advocate had made the same admission. Therefore, he hoped the Resolution he had placed on the Paper had not altogether failed of its object. He admitted that the transference of schools required more consideration than was required by the audit, and it might receive it sooner rather than later. He urged his noble Friend to do something this year, as next year would be one of exceptional expense arising from the election of school boards.

Question put, and *negatived*.

PARLIAMENT—STRANGERS (PRESENCE AT DEBATES).

OBSERVATIONS.

MR. SPEAKER: In reference to the Motion of the hon. Member for Swansea (Mr. Dillwyn), which stands next upon the Paper, I have to state, for the information of the House, that by the Rules of the House it is irregular to propose any Motion which anticipates discussion of a matter already appointed for consideration by the House. Those Rules may apply with some severity to the hon. Member for Swansea, because he was the first Member of the House during the present Session to propose any Motion with reference to the exclusion of Strangers; but the circumstances of the case are such as to preclude the hon. Member from making a Motion, inasmuch as the Motion of which the hon. Member has given Notice is substantially the same as one of the Motions submitted to the House by the noble Lord the Member for Radnor (the Marquess of Hartington), and which the House has appointed to take into con-

sideration on Monday next. On the 4th May the noble Lord the Member for Radnor, having given Notice of three Resolutions, proceeded to submit them to the House. He argued in support of all those Resolutions, and was prepared to submit them successively to the House; but when the first Resolution was proposed a debate arose, and was adjourned. That debate was adjourned from time to time, and now stands for Monday next. When that debate comes on the first Resolution will be proposed in due course, and when that has been disposed of the other two Resolutions of the noble Lord will be put from the Chair and disposed of, forming part of the same Order of the Day. Thus if the Motion of the hon. Member for Swansea were now to be put to the House the debate on Monday next must necessarily be anticipated, and that inconvenience would arise which it is the object of the House to prevent.

MR. DILLWYN: Perhaps I may be allowed to thank you, Sir, for so lucid an explanation of the position in which the matter now stands, and to say that I of course, and unhesitatingly, bow to your decision. Had the Rules of the House allowed me to bring on my Resolution I should certainly have done so; because I believe it relates to a matter which might have been, and ought to have been, disposed of some time ago, and which should be disposed of as soon as possible, as we do not know how soon another disturbance may arise similar to those which we have experienced. I can only express my regret that the Rules of the House do not allow me to proceed with the matter.

COMPENSATION FOR ACCIDENTS TO WORKMEN BILL.

LEAVE. FIRST READING.

SIR EDWARD WATKIN moved for leave to bring in a Bill to provide for Compensation to Workpeople engaged in common employment in cases of injury by accidents when employed.

MR. MORGAN LLOYD said, that this was a subject which ought to be carefully considered by a Select Committee, and he hoped that the Government would give its assistance in the matter, in order that a remedy might be found for what was an injustice to work-

men who might meet with injuries in large establishments.

THE ATTORNEY GENERAL said, that the subject was deserving of serious consideration, and promised that, on the part of the Government, he would give the matter his best attention, but he was at present entirely ignorant as to the purport or effect of the proposed Bill.

*Motion agreed to.*

Bill to provide for Compensation to Work-people engaged in common employment in cases of injury by accidents when employed, *ordered* to be brought in by Sir EDWARD WATKIN, Mr. KINNAIRD, and Mr. LAVERTON.

*Bill presented, and read the first time.* [Bill 186.]

#### PARLIAMENTARY ELECTIONS (RETURNING OFFICERS) BILL—[BILL 32.]

(*Sir Henry James, Sir William Harcourt.*)

##### CONSIDERATION.

Bill, as amended, *considered.*

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

Clause 4 (The accounts of a returning officer may be taxed).

MR. M'CARTHY DOWNING moved, in page 3, line 15, to leave out "in Ireland the Civil Bill Court."

*Amendment agreed to.*

CAPTAIN NOLAN moved the adjournment of the debate.

Motion made, and Question, "That the further Consideration of the Bill be adjourned," — (*Captain Nolan,*) — put, and *negatived.*

Bill to be read the third time upon *Tuesday* next.

#### LAND TITLES AND TRANSFER [SALARIES, &c.]

*Considered in Committee.*

(*In the Committee.*)

*Resolved,* That it is expedient to authorize the payment, out of moneys to be provided by Parliament, of the Salaries, Remuneration, and Superannuation Allowances of the Registrars, Assistant Registrars, their Clerks and Servants, that may be appointed under any Act of the present Session for facilitating the Transfer of Land, and of the incidental expenses of carrying such Act into effect; and of Compensation to the Officers of Local Registries for any loss of fees and emoluments by reason of their business being diminished in consequence of such Act.

*Resolution to be reported upon Thursday.*

#### POLICE EXPENSES.

*Considered in Committee.*

(*In the Committee.*)

*Resolved,* That it is expedient to make further provision respecting the Contribution, out of moneys to be provided by Parliament, towards the Expenses of the Police Force in the Metropolitan Police District and elsewhere in Great Britain.

*Resolution to be reported upon Thursday.*

#### INDUSTRIAL SAVINGS BANKS BILL.

On Motion of Sir EDWARD WATKIN, Bill for facilitating the establishment of Provident Savings Banks in connection with industrial enterprise, *ordered* to be brought in by Sir EDWARD WATKIN, Mr. SHERIFF, and Mr. KNATCHBULL-HUGESSEN.

*Bill presented, and read the first time.* [Bill 185.]

#### DRUGGING OF ANIMALS BILL.

On Motion of Sir JOHN ASTLEY, Bill to make the administration of poisonous Drugs and Compounds to Horses and other animals a punishable offence, *ordered* to be brought in by Sir JOHN ASTLEY, Mr. CHAPLIN, and Mr. ROWLAND WINN.

*Bill presented, and read the first time.* [Bill 184.]

House adjourned at Twelve o'clock till Thursday.

### HOUSE OF COMMONS,

*Thursday, 27th May, 1875.*

MINUTES.] — PUBLIC BILLS — *Resolution in Committee — Ordered — First Reading —* Police Expenses \* [187].

*Ordered — First Reading —* Government Officers Security \* [188]; Lunatic Asylums (Ireland) \* [189]; Linen, Hempen, and other Manufactures (Ireland) \* [190].

*Second Reading —* Militia Laws Consolidation and Amendment \* [160]; Metropolitan Police (Surgeon, Clerk, &c. Superannuation) \* [172]; Public Entertainments \* [178]; Turnpike Roads (South Wales) \* [183].

*Committee —* Savings Banks, &c. [146] — R.P.; Local Authorities Loans [123], *deferred.*

*Committee — Report —* Customs and Inland Revenue [158]; Public Health (*re-comm.*) [157]; Public Health (Scotland) Provisional Order Confirmation (No. 3) \* [167].

*Committee — Report — Considered as amended — Third Reading —* Justices (Dublin) \* [171], and *passed.*

*Third Reading —* Military Manœuvres \* [166]; Post Office \* [180]; Glebe Loan (Ireland) \* [176], and *passed.*

#### CONTROVERTED ELECTIONS — COUNTY OF TIPPERARY.

MR. SPEAKER informed the House, that he had received from Mr. Justice Keogh, one of the Judges on the rota for the Trial of Election

Petitions, a Certificate relating to the Election for the County of Tipperary. And the same was read.

#### TIPPERARY ELECTION.

*Ordered*, That the Clerk of the Crown do attend this House To-morrow, at Four of the clock, with the last Return for the County of Tipperary, and amend the same, by substituting the name of Stephen Moore for that of John Mitchel, as the Member returned to serve in Parliament for the said County.—(*Mr. Dyke.*)

#### CIVIL SERVICE WRITERS.—QUESTION.

SIR H. DRUMMOND WOLFF asked Mr. Chancellor of the Exchequer, Whether Her Majesty's Government have considered the case of the Civil Service Writers; and whether any steps will be taken to improve the position of that class of public servants?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, it would be recollected that a Committee, which was presided over by Mr. Otway, was appointed a few years ago, and the result of their inquiry was that a Minute was passed by the Treasury which in some respects improved the position of the Civil Service writers. In one or two Departments—especially in the Admiralty and Customs—arrangements had been made which by a re-constitution of offices altered to a considerable extent the position of the class in question. Moreover, a number of writers had taken the compensation offered them under the Treasury Minute of June, 1872. There had been no further or more general arrangements with regard to the class. At the present moment, however, the Government had under consideration the Report of the Commission which had been presided over by the right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair). That Report had a material bearing upon the position of the writers, and until Government had come to a decision with reference to it he did not think anything further could be done in the matter.

#### MINES REGULATION ACT, 1872—ACCIDENT AT SALTWELL'S COLLIERY.

##### QUESTION.

MR. H. B. SHERIDAN asked the Secretary of State for the Home Department, Whether he has caused inquiry to be made into the circumstances connected with the death of three men named re-

spectively, Benjamin Homer, Charles Wheelwright, and William Clayton, who were sent into No. 2, Saltwell's Colliery Coal Pit, to work under coal that had been cut on the 21st of August 1872, after the manager of each pit had been told that it was not safe for the men to work in the particular place in which they were sent to work: and; if such inquiry has been held, if he will state when such inquiry was held, and by whom; and, whether he has any objection to lay a Copy of the Report made to him, with reference to such inquiry, upon the Table of the House?

SIR HENRY SELWIN-IBBETSON, in reply, said, that at the time of the inquiry an official inquiry was made into the circumstances referred to by the hon. Member. Mr. Baker, the inspector, reported that it was utterly impossible to decide who was to blame for the accident owing to the conflicting statements of the workmen on the one hand and the deputy on the other. The hon. Member could have an opportunity of reading the Report at the Home Office.

#### CIVIL SERVICE STORES.

##### QUESTION.

SIR THOMAS CHAMBERS asked Mr. Chancellor of the Exchequer, Whether he has come to any determination as to the course he proposes to pursue with reference to the administration of the Civil Service as it is affected by Civil Service trading?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that nothing in connection with this matter had been brought to the notice of the Government since the discussion last year on the Motion of the hon. and learned Gentleman. He was not aware that there was anything which called for interference on the part of the Government.

SIR THOMAS CHAMBERS gave Notice that he would take an early opportunity of calling attention to the subject.

#### RATING ACT, 1874—RATINGS OF LAND FOR GAME.—QUESTION.

SIR GEORGE JENKINSON asked the President of the Local Government Board, Whether, as much misapprehension appears to exist in the minds of Boards of Guardians as to the application of the Rating Act of last year in respect



of the special extra rating of land (for game) in the occupation of an owner or a tenant, be it either a farm, or a park, or coverts, he will state the conditions under which land so occupied can be legally rated under the Act referred to, viz. under section 2 of Clause 3, and Clause 6 of said Act; and, further, if he will, with a view to saving people from having to appeal from rating improperly made, issue definite instructions to rating authorities to confine themselves strictly to the powers conferred by that Act?

MR. SCLATER-BOOTH, in reply, said, he gathered from the terms of the Question that there still existed some uncertainty upon a point which he had thought had been made perfectly clear both by the terms of the Rating Act and by various Answers which he had given in the House of Commons—namely, that any assessment of sporting rights under the Act of last Session must be exclusively in cases where the occupation of the soil was severed from the ownership of the soil. If any rating of sporting rights in respect of lands which were in the occupation of the owner was going on throughout the country, it was done, not under that Act, but in accordance with the previous law. The Local Government Board, following their usual practice, had issued a careful *résumé* of the Rating Act, laying down clearly the principles by which the Assessment Committees ought to be guided in their proceedings. He did not think it would be convenient to issue a further Circular, nor could he adopt the suggestion in the Question that he should give definite instructions to the rating authorities to confine themselves strictly to the powers given by the Act. He had no more authority to give such instructions than any other person. While he would be very glad if persons could be spared the annoyance and expense of appeals, it was impossible when a new Act like this came into operation to prevent legal questions from arising, and it was not in his power to do more in the matter than he had already done.

#### ELEMENTARY EDUCATION ACT— WINCHESTER.—QUESTIONS.

MR. DIXON asked the Vice President of the Committee of Council on Education, Whether it is true that the Education Department has received an appli-

cation from the Town Council of Winchester for an order to elect a School Board, and that this application has been refused; and, if so, if he will state the reasons which induced the Department to take that course?

VISCOUNT SANDON: Sir, the case of Winchester is a peculiar one, and I am glad of the opportunity of stating how the matter stands. Before doing so, I would remind the House that, under the Act, the establishment of a school board can only be ordered by the Department, without the consent of the locality, when after due notice sufficient school accommodation has not been, or is not in course of being, supplied; but that if a resolution for a school board is carried by a majority of ratepayers where there is no municipality, or where there is a municipality by a majority of the town council, the Department "may," as the Act expresses it, "if they think fit," order a school board, even if there is no deficiency of school accommodation; the school board, however, in this case, having no power whatever over existing schools, and being unable to receive any aid from the State towards the establishment or maintenance of additional schools, but being able to pass bye-laws for the compulsory attendance of children at school; and, in any case, the board, when once established, becomes, under the Act, indissoluble. It will, I think, appear clear from this statement that when a locality has done its duty as to the supply of schools, Parliament only intended a school board to be erected when the majority of the people of a place desired one; and, whenever a majority of the ratepayers have legally voted in favour of having a school board, we have always granted one, and similarly in the case of a majority of a town council; but hitherto in no case since the passing of the Act, as far as I can ascertain, has a protest against the decision of a town council been sent to the Privy Council; and here comes out the peculiarity and novelty of the Winchester case. The town council of the City of Winchester, which is amply supplied with schools, voted for a school board for the first time in February of this year, carry it by 15 votes against 5. After this a public meeting was held at the Guildhall, which was largely attended, and a resolution—addressed to the town council—against a school board was passed



unanimously, and we were informed from various quarters that there was a very general feeling in the city against a board. The town council met to reconsider the matter, but adhered to their resolution; 14, however, instead of 15, voting for a board, and 9, instead of 5, against it. A Petition was then forwarded to the Department, both very numerous and influentially signed, requesting us—I quote their words—not to order at present a school board, but to get fresh powers from Parliament for the appointment of an absentee officer, without calling into operation the whole expensive machinery of a school board, in cases where the school supply is sufficient. No counter meetings were held, and no communications were made to us from Winchester in support of the Corporation, which by a majority, relatively considerably diminished, adhered to its former resolution. We were, therefore, of opinion that this was exactly a case which was contemplated by Parliament when it imposed the responsibility upon the Department of deciding whether the request of a town council for a school board should be granted or not, when the supply of schools is sufficient: and most anxious though we are to secure the regular attendance of children at school, we did not think we should be right in straining the Act and going against its spirit for any purpose, however good. After, therefore, waiting some time to see if the town took action in support of the Corporation, and judging from all that had passed that the Corporation did not in this matter represent the wishes of the community, we felt bound to reply that we did not consider that we should be justified at present in ordering the election of a school board, and to that opinion, with our present information, we adhere.

MR. W. E. FORSTER asked whether the noble Lord would have any objection to lay on the Table the Correspondence on the subject?

VISCOUNT SANDON said, he would answer that Question to-morrow.

#### SOUTH AFRICA—MR. FROUDE. QUESTION.

MR. A. M'ARTHUR asked the Under Secretary of State for the Colonies, If it be true, as reported, that Mr. Froude has been sent on a special mission to the

Cape Colony; and, if so, would Her Majesty's Government have any objection to state the object of his mission?

MR. J. LOWTHER: Sir, Mr. Froude, having already decided to re-visit South Africa, my noble Friend the Secretary of State for the Colonies (the Earl of Carnarvon) has thought it advisable to make use of his ability, and the information which he has acquired respecting the Colonies and States of that part of the African Continent, by requesting him to take part in a conference which it is proposed to hold with the view of discussing questions connected with the treatment of the Natives, and other matters of importance. The despatch upon the subject will be presented to Parliament without delay.

#### METROPOLIS—EXPLOSION IN THE REGENT'S PARK.—QUESTION.

SIR THOMAS CHAMBERS asked the First Commissioner of Works, Whether any steps have yet been taken to restore the bridge over the Regent's Canal destroyed by the explosion on the 2nd of October last?

LORD HENRY LENNOX, in reply, said, that orders had been given to prepare plans for the re-construction of the bridge and the lodge destroyed on that occasion.

#### EPPING FOREST ACT—REPORT OF THE COMMISSIONERS. QUESTION.

MR. SAMUDA asked the First Commissioner of Works, If the Epping Forest Commissioners have held any meetings since the Act continuing their powers received the Royal Assent, and if there is any prospect of a final Report being presented within the time appointed by the Act?

LORD HENRY LENNOX: No, Sir; the Epping Forest Commissioners have not held a meeting since the recent Act was passed, nor will they until the Report is printed. This, I am promised by the Queen's printers, will be in my hands in a day or two. The delay has arisen from the large plans, some of them three feet in length, which are, by order of the House, to accompany the Report. With regard to the second part of the Question, the hon. Gentleman will pardon me if I am unable to pledge

*Viscount Sandon*

myself as to the production of the final Report. I will only say that the Commissioners have a year before them before the recent continuance Act will expire.

#### SHERIFF COURTS (SCOTLAND).

##### QUESTIONS.

MR. TREVELYAN asked the Lord Advocate, Whether he has received certain Memorials, laying before him reasons why it would be expedient that Sheriff Courts should be held at Hawick and Galashiels; and, whether he is prepared to recommend the Secretary of State to prescribe that Courts should be held in those towns, under the powers conferred by 33 and 34 Vic. c. 86?

SIR GEORGE CAMPBELL asked the Lord Advocate, Whether he has considered certain Memorials addressed to him on behalf of the people of Kirkcaldy and Dysart on the necessity of a Sheriff Court at Kirkcaldy, and whether he is prepared to recommend to the Secretary of State to direct that a Court should be held in that town under the powers conferred by the Act 33 and 34 Vic. s. 86?

THE LORD ADVOCATE: I have recently received the memorials from Hawick, Galashiels, Kirkcaldy, and Dysart, in favour of Sheriff Courts being established in these towns. I have not been able to advise the Government that the prayer of these memorials should be agreed to. In Roxburghshire, there is a Sheriff Court at Jedburgh, the head burgh of the county; in Selkirkshire there is a Sheriff Court at Selkirk; and in Fife there are two Sheriff Courts—one at Cupar and the other at Dunfermline, where the sheriff-substitutes reside, and where there are proper buildings and staffs of clerks for carrying on the judicial business. To establish Sheriff Courts in the way desired by the memorialists, involves the provision of suitable court-house buildings and of a sufficient staff of clerks. The cost of providing the buildings, which is not inconsiderable, would fall to be defrayed, one-half from the public funds and the other by assessment on the county and the burghs situated within it, and the expense of the staff of officials would fall on the public funds. Adverting to the amount of business coming from the districts around Hawick, Galashiels, and Kirkcaldy, and

to the great facilities now afforded by means of railways to the parties and witnesses attending at the Sheriff Courts already established, I have not felt myself justified in recommending that additional Courts should be established in these towns, involving, as they must do, considerable additional charge both on the public funds and local rates. I may mention that there are small Debt Courts held in the above towns, and there can be no objection to these Courts being held more frequently if that is desired.

#### PARLIAMENT—ORDER OF PUBLIC BUSINESS.—QUESTIONS.

THE MARQUESS OF HARTINGTON: I wish, Sir, to ask the First Lord of the Treasury after what hour he will not proceed with the third and fourth Orders on the Paper for this evening—namely, the National Debt (Sinking Fund) Bill, and the Local Authorities Loans Bill? I also wish to ask, whether the Government intend to proceed to-night with the Patents for Inventions Bill; and, if not, whether the right hon. Gentleman will state on what day it is proposed to take that Bill? At the same time, it would, I think, be for the convenience of the House to know whether it is the intention of the Government to proceed with the Agricultural Holdings Bill on Monday next. I understood it was intended to place the adjourned debate on the Publication of the Debates as the First Order for Monday, and I should be glad to know whether that will be done?

MR. DISRAELI: Sir, it is certainly the intention of the Government to fulfil their promise to the noble Lord and to secure that the adjourned debate on his Resolutions shall come on upon Monday, and I will take the proper course to-morrow, if necessary, to insure that object. There is no prospect of the Patents for Inventions Bill being taken to-night. As to the third and fourth Orders on the Paper for this evening, it would be unusual, and is quite out of my power, to pledge myself as to the hour at which they are likely to come on.

THE MARQUESS OF HARTINGTON: The right hon. Gentleman has forgotten to state whether it is the intention of the Government to proceed with the Agricultural Holdings Bill on Monday. As to the third and fourth Orders for this evening, I am quite aware that it is

impossible for the right hon. Gentleman to say at what hour they are likely to come on; but as there may be important discussions on each [of those Bills, it would be convenient to know after what hour they will not be proceeded with.

MR. DISRAELI: Of course, we shall not propose anything unreasonable or unusual as to those two Orders. It is certainly not our intention to take the Agricultural Holdings Bill on Monday; but after the debate on the noble Lord's Resolutions, if the opportunity offers, we shall proceed with the Friendly Societies Bill.

MR. NEWDEGATE asked Mr. Chancellor of the Exchequer on what day he proposes that the House should go into Committee of Ways and Means?

THE CHANCELLOR OF THE EXCHEQUER said, that not having had Notice of the Question, he would defer answering it till to-morrow.

#### CUSTOMS AND INLAND REVENUE BILL—[BILL 158.]—COMMITTEE.

(Mr. Raikes, Mr. Chancellor of the Exchequer,  
Mr. William Henry Smith.)

Order for Committee read.

THE CHANCELLOR OF THE EXCHEQUER said, that in his speech in introducing the Budget he made a proposal with respect to the alteration of the stamp duty on appointments, although the present Bill contained no such provision. The explanation of the matter was, that he was not at first aware that it was necessary to put all matters of that nature in the same Bill. That, however, he had since ascertained ought to be the mode of proceeding, and he had, therefore, to move that it be an Instruction to the Committee to insert in the Bill a provision with respect to the repeal of the stamp duty on appointments. He had also stated that it was the intention of the Government to convert the 5 per cent stamp duty, into a 5s. per cent duty, which should apply to all appointments. Now, a good many clauses had been under consideration with the view of carrying out that object; but when they came to be considered in detail they appeared to him to be of a somewhat vexatious character, and as being likely to operate inconveniently on the junior members of the Civil Service. Having looked carefully into the Estimates of the Inland Re-

venue Department, to ascertain the amount produced by the stamp duty, he had therefore come to the conclusion that it would be better to do away with the duty altogether, and a clause would be proposed having its repeal for its object. He found that on a change of Ministry the stamp duty produced only £2,200, and that, taking all the different classes of appointments, the average loss to the Revenue would not exceed £6,000 a-year. He begged, therefore, to move, as the simplest course to take, that it be an Instruction to the Committee to insert a clause in the Bill for the repeal of the duty on appointments.

*Ordered*, That it be an Instruction to the Committee, that they have power to make provision for the repeal of the Stamp Duties on appointments to offices or employments.—(Mr. Chancellor of the Exchequer.)

MR. GLADSTONE wished to know what was the entire produce of the duty?

THE CHANCELLOR OF THE EXCHEQUER repeated that the sum was calculated at £6,000 a-year.

MR. GLADSTONE: Is that the whole sum to which reference was made in the Budget?

THE CHANCELLOR OF THE EXCHEQUER: Yes, I believe so.

MR. MONK asked whether the right hon. Gentleman's proposal related to appointments to benefices?

THE CHANCELLOR OF THE EXCHEQUER: No.

Motion made, and Question proposed.  
"That Mr. Speaker do now leave the Chair."

SIR WILFRID LAWSON rose to move—

"That, in the opinion of this House, the remission of taxation to the extent of £60,000 per annum, arising from the proposed alteration in duties on licences for brewers would be suitably met by an equivalent increase in the malt duty."

In making this proposal he had no wish to delay the House from going into Committee, to hamper the Chancellor of the Exchequer, or to harass the brewers, though he was not particularly partial to their employment. He had no desire to throw difficulties in the way of anybody. It was with admiration and considerable interest that he had listened the other evening to the right hon. Gentleman's brilliant defence of his Finan-

*The Marquess of Hartington*

cial Statement. That Budget, in his humble opinion, as times went, was a tolerably fair one, but nothing nowadays was perfect. There was one blot, however, in the scheme to which he wished to call the attention of the Chancellor of the Exchequer. The right hon. Gentleman's proposal was that for the present sliding scale of duty there should be one of uniform character—namely, 12s. 6d. on every 50 barrels brewed, and he went on to say that this would not effect anybody injuriously, that the brewers and the public would be equally benefited. The Revenue, however, stood to lose £60,000 a-year by the contemplated change. Now, he asked the right hon. Gentleman if it would not be better to save the Revenue £60,000, and provide for himself a better chance than he had at present of obtaining a safe and moderate surplus next year. He threw out the suggestion in a friendly spirit, and with not the least hostile intention. Let him not merely alter the sliding scale of duty as he proposed, but let him do away altogether with the licence duty which was imposed in 1862. He, upon that occasion of course, felt great hesitation in opposing the scheme of the late Prime Minister, the greatest financier of our time, who put it on instead of the hop duty. Now, however, they would, in his opinion, be acting more wisely if they were to increase the malt duty and do away with the scale which was then introduced. If the Chancellor of the Exchequer were to increase the duty on malt from 2s. 8½d. per bushel to 2s. 11d. he would be able to save the £60,000 which he proposed to give away. A great bone of contention would be removed, and a serious grievance, of which the brewers themselves frequently complained, and which made the life of the Chancellor of the Exchequer a burden, remedied. Last March the right hon. Gentleman was waited upon by a deputation consisting of no less than 208 brewers and 58 Members of Parliament, and it spoke well for him that he came safely out of such contact. Then there was an Anti-Malt Tax Association, which comprised 200 Members of Parliament, all bent on getting rid of this tax, and representing pretty equally both sides of the House. Yet when the question came before the House of doing away with this licence all the votes they could muster among them was 83. That, no doubt, was very

disheartening. Afterwards they complained of the Chancellor of the Exchequer, and said that the mantle of Sir Wilfrid Lawson had fallen upon him. It was a grievance for the public brewer to be called upon to pay this duty on an article while it was in process of being manufactured. Another grievance was that the licence duty had to be paid by the public brewer, while the private brewer was exempt from payment. If they adopted his proposal, they would get rid of every difficulty. He did not expect, of course, that it would meet with approval from all parties in the House. [Colonel BARTHELOT: Hear, hear!] He saw opposite the hon. and gallant Member for West Sussex, who, of course, would not like to see the malt duty increased. Although, however, the hon. and gallant Gentleman had great courage he had not many troops, for last year, when the anti-malt-tax army went into battle they could make but a small muster, while the hon. and gallant Gentleman himself was a deserter on that occasion. Indeed, he must be aware that, with the present high price of barley, an anti-malt-tax agitation could be made nothing of by himself or his friends. If this £60,000 was to be a present to the brewers, he did not see that they had done anything to deserve it. It might be said, and, indeed, he perfectly believed, that the brewers did not pay that duty at all, and that it was the consumers who paid it. He believed that the consumer paid all indirect taxes just as certainly as that water run down hill. That being so, he wished to know why beer-drinkers should be handicapped more lightly than spirit-drinkers. In fact, they were more lightly handicapped already, in the proportion, he believed, of 20 to 80 per cent, and the proposed concession would materially increase the inequality. As the House well knew, he was no friend to drinking. Nothing, to his mind, could be more horrible than the spectacle of the Chancellor of Exchequer coming down to the House on Budget nights and telling of the large amount of Revenue drawn from that source. They all seemed to rejoice at it, forgetful of the very great misery caused in the country by reason of its consumption. As long, therefore, as they raised their Revenue by that great taxation



upon drink he did not see why they should favour beer as they had been doing. Hon. Members, surely, did not wish to increase its consumption. If they referred to the history of the Beer Act, they would see what evil effects that beverage had wrought in the country. Sydney Smith, referring to the cheapening of beer, said—"The sovereign people are in a beastly state"—and they had remained more or less in that state ever since. On the present occasion, he thought, he was entitled to the support of the Irish and Scotch Members, for not long ago the hon. Member for Youghal (Sir Joseph M'Kenna) brought it forward as a grievance and an argument for Home Rule that more duty was paid on whisky in Ireland than on beer in England, or, in other words, that the Englishman could get drunk at a cheaper rate than the Irishman; and the hon. Member for Dumbarton (Mr. Orr Ewing) followed in the same strain, making a most pathetic speech, to the effect that whisky was the national beverage of Scotland—the joy of the Scotchman's youth, the sustenance of his middle age, and the support of his declining years—and pointing out how cruel it was to favour the English sot at the expense of the tippling Scot. He need say no more. He thought he had made his case plain. He thought it was a pity to throw away £60,000 a-year. His proposal was simple and equitable, and would make the Budget more symmetrical and satisfactory.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the remission of Taxation to the extent of £60,000 per annum, arising from the proposed alteration in Duties on Licences for Brewers, would be suitably met by an equivalent increase in the Malt Duties,"—(Sir Wilfrid Lawson,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Baronet's speech went further than his Resolution. His Motion led one to believe that he proposed to substitute an increase of the malt duty for the precise amount of £60,000 a-year, about to be remitted in

*Sir Wilfrid Lawson*

the case of the brewers. But his speech proposed that the licence duty imposed in 1862 to make up for the loss of the hop duty should, after having been borne by the brewers for the last 15 years, be imposed upon the maltster. The hon. Baronet seemed to think that the brewers had borne the burden long enough, and, therefore, out of kind consideration for the Chancellor of the Exchequer, who, he found, had been harassed a good deal by brewers' deputations, he proposed that the much-enduring maltsters should bear it in their turn. His impression seemed to be that if that were done the brewers would be satisfied and the maltsters would not complain. Now, he (the Chancellor of the Exchequer) was pretty well convinced that the dead horse of which they had heard would be very likely to come to life again if the proposed transfer were made. No doubt he (the Chancellor of the Exchequer) had suffered a good deal from the interesting interviews he had held with the brewers, but he had had a certain amount of compensation. A very great deal of excellent argument and good temper had been displayed, which would doubtless yet bear good fruit. But it seemed to be forgotten that he had also had to receive the representatives of the malting interest, whose view was that it would be better to get rid of the malt tax altogether and turn it into a beer duty. Now, he had never been able to see his way to that. The hon. Baronet had said the other day that he was prepared to withdraw his Motion "on one condition." Well, he would be perfectly willing to accept the Motion before the House "on one condition," and that was that his hon. and gallant Friend the Member for West Sussex (Colonel Barttelot) should second it. He was quite willing to accept the proposal, if it received unanimous support; but there was not the slightest prospect of that. The real fact was that the brewers did not desire the duty, and the maltsters would not have it; but the simple proposal in his (the Chancellor of the Exchequer's) Budget was, to put all brewers on the same footing, and to give small brewers the same advantage which large ones enjoyed, and of which they had hitherto, as he conceived, been unjustly deprived. When the subject was previously before the House, the hon. Member for Hackney (Mr. J. Holms), who was a sort of representative of the



brewers, gave Notice of an Amendment precisely similar to the present one. He might be called, in fact, the "owner" of the Amendment, and after it had stood on the Paper some time in his name, he, in obedience, probably, to representations from the brewers, "scratched" it. There was some agitation on the subject, because the Amendment had several "backers," and the hon. Member for Carlisle (Sir Wilfrid Lawson), not wishing to spoil sport, had the Amendment entered in his own name for another race. Having brought the proposal forward, the hon. Baronet supported it by the curious argument that beer ought not to be lightly handicapped in the race with spirits. He was surprised to hear such an argument from such a quarter. Many Members very plausibly urged that beer as a beverage was less injurious than spirits; and, for his own part, he had always recognized that there was some weight in the argument. He should be exceedingly sorry, indeed, to add to the malt duty. The case on which the Resolution was based lay within an exceedingly narrow compass. An admitted grievance existed between the large and the small brewer. Well, he found himself in the position of being able—without any inconvenience to the Revenue—to remove this grievance, by simply taking off a certain amount of duty at a yearly sacrifice to the Revenue of £60,000. He was happy to say that the Revenue was in a position which rendered him perfectly comfortable in making this proposal, and he preferred dealing with the matter in his own way to adopting the proposal of his hon. Friend the Member for Carlisle and placing the payment upon the maltsters instead of upon the brewers, as at present.

COLONEL BARTTELOT said, he was never more surprised than when he heard the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) proposing an increase in the malt tax. It could scarcely be that the hon. Baronet had been squared by the brewers, and, from advocating ginger-beer, soda-water, and tea, induced to urge upon the House an increase in the tax on malt for the reason that it was less heavily burdened than spirits were with imposts. There must be something behind what the hon. Baronet had openly urged to induce him to take this course; and he should very

much like to know whether the action taken by the hon. Baronet had or had not been influenced by the tone of a meeting which he addressed some time back in his own park in Cumberland. He strongly and emphatically denied that it would be either wise or prudent to tamper with the malt tax, and so unsettle all existing arrangements as to render it almost impossible for people to know what was the exact position of the question. He remembered that some time back, when the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) introduced a Bill in reference to this question in order to make a concession to the agriculturists, his hon. Friend (Mr. Bass), whom he would call the prince of brewers, came down to the House and said that if the Bill passed beer might be brewed with anything the brewers pleased to use, and nobody would be able to tell what beer was made from. By way of illustrating his contention, he had two specimen barrels of beer rolled down to the corridors of the House, and he invited the right hon. Gentleman outside to taste them. First of all he opened the barrel containing beer of the kind he was ordinarily in the habit of brewing. That was pronounced good. Then the second barrel, containing linseed, was opened, and Mr. Gladstone declared it was better than the first. Well, his (Colonel Barttelot's) opinion was, that if they increased the malt tax brewers would use all sorts of horrid stuff, and people would be poisoned ten times more than they were at present. The burden had been placed to a great extent upon the brewers, whose shoulders were quite strong enough to bear it, and it would be monstrous now to increase the amount exacted from those who were already too heavily burdened by the operation of the malt tax.

MR. CHILDERS recommended his hon. Friend to withdraw his Motion, and not divide the House upon it, as after the statement made by the right hon. Gentleman the Chancellor of the Exchequer, he could not support it. He (Mr. Childers) wished to correct what he believed to be a general misapprehension with regard to Brewers' Licences. It was by many supposed that the brewers paid their licence duty on the basis of the number of barrels of beer they manufactured, whereas the

fact was that they paid upon the quantity of malt used. This was practically the imposition of a second malt tax, and involved both inconvenience and injustice to the brewers and large increased expenditure to the country for the cost of collection. He would, therefore, suggest to the Chancellor of the Exchequer that he should, as early as possible—next year if it was not possible at present—get rid of an anomalous state of things involving inconvenience and expense by levying the whole duty in one sum.

SIR WILFRID LAWSON said, after what the Chancellor of the Exchequer had just stated, he did not wish to waste time by going to a division, and he would therefore, with the permission of the House, withdraw his Motion. He was sorry to lose the £60,000, but he hoped that he might get it next year.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 4, inclusive, *agreed to*.

Clause 5 (Provisions of Income Tax Acts to apply to duties to be granted for succeeding year).

MR. W. H. SMITH moved, in page 2, line 32, to leave out from "Provided" to end of Clause, and insert—

"And the surveyors of taxes acting in the metropolis, as defined by 'The Valuation (Metropolis) Act, 1869,' shall be the assessors for the duties to be granted and payable under Schedules (A) and (B) of the said Act of the sixteenth and seventeenth years of the reign of Her Majesty, chapter thirty-four, upon any property in the said metropolis, and shall also be the assessors for the duties on inhabited houses in the said metropolis; and in lieu of the poundage granted by the several Acts in that behalf, to be divided between the assessors and collectors for such duties respectively in the said metropolis, there shall be paid a poundage of three halfpence to the said collectors thereof."

Amendment *agreed to*.

Clauses 6 to 8 *agreed to*.

Clause 9 (Wine dealers' licence to include sweets).

MR. MACGREGOR moved, in line 29, after "wine," to insert "or to a retail dealer thereof."

Amendment *agreed to*.

Clause *agreed to*.

Clause 10 *agreed to*.

*Mr. Childers*

Clause 11 (As to licences for carriages hired).

MR. HANKEY asked the Chancellor of the Exchequer if he had had any application made to him by coachmakers to allow persons hiring carriages to pay the duties thereon?

THE CHANCELLOR OF THE EXCHEQUER replied in the affirmative. A deputation of coachmakers had been to him on the subject; the matter had been considered, and the arrangement come to was that persons hiring carriages for a year or more should pay the duties.

Clause *agreed to*.

Clause 12 (Spirit grocers and beer dealers' licences in Ireland to expire on the 10th of October).

MR. W. H. SMITH moved, in page 5, line 31, to add—

"Provided always, That nothing in this Act contained shall continue in force any such licence granted in pursuance of a justice's certificate requiring to be confirmed under section twelve of 'The Licensing Act (Ireland) 1874,' after the time limited by the said section for the continuance of such licence, unless such certificate shall be confirmed in the manner by the said Act prescribed."

Proviso *adopted*.

Clause *agreed to*.

Clause 13 *agreed to*.

THE CHANCELLOR OF THE EXCHEQUER moved, after Clause 13, to insert the following Clause:—

(Repeal of stamp duties on appointment.)

"After the passing of this Act the duties specified in the Schedule to this Act shall cease to be payable.

To move the following Schedule:—

Schedule.

Stamp duties repealed charged under 33 and 34 Vic. c. 97.

Admission and appointment or grant by any writing,

To or of any office or employment—

Where the annual salary, fees, or emoluments appertaining to such

office or employment do not	£	s.	d.
exceed £100	2	0	0
Exceed £100 and do not exceed £150	4	0	0
" £150 " " £200	6	0	0
" £200 " " £250	8	0	0
" £250 " " £300	10	0	0
" £300.			

For every £100, and also for any fractional part of £100

Commission or deputation granted by the Commissioners of Inland Revenue

Charged under 35 and 36 Vic. c. 20, s. 3.

Commission or deputation granted by the Commissioners of the Customs

1 10 0"

MR. CHILDERS said, he did not object to the principle of the clause, but he thought it inconvenient that the Committee should be called upon to make such a sweeping change with only three-quarters of an hour's notice. In 1866, when he was at the Treasury, a small Committee was appointed, which went into the whole of these appointments, and it became evident that the question was altogether a very large one, going a great deal further than certain charges on appointments to civil offices; and that it could not be dealt with piecemeal, but must be dealt with as a whole. He wished to know whether the Chancellor of the Exchequer proposed that all stamps now payable upon appointments of a high class, such as those of Colonial Governor and of Judges, were to be abolished, and also whether he intended that the stamps payable upon the appointment to livings should be retained? In the latter case the Committee were entitled to further and fuller information on the subject before they were required to come to a decision upon it.

MR. GLADSTONE said, he thought the question before the Committee was one of more importance than the Chancellor of the Exchequer appeared to attach to it. He had heard, he confessed, with the greatest surprise, the statement that the whole of the charges in the form of stamps upon appointments only amounted to £6,000 per annum. He was persuaded that there must be some misapprehension upon the subject. He really thought that it was required almost by propriety that the Committee should have some farther information on the matter before being called upon to vote upon it. They had no returns, no knowledge, and no comprehensive and exhaustive statements from the Finance Minister as to the character of the appointments which paid those duties. Apparently they were going to relieve all the highest salaries in the Civil Service of the country of a very considerable charge. Forty years ago he was a Member of a Government which lasted from three to four months; and in the case of a Government so circumstanced these were by no means inconsiderable charges, and he did not deny that they might be fairly re-considered and re-adjusted. But he did not wish to be committed without full consideration to a proposition which would practically

relieve the highest salaries in the country from a charge imposed upon them for the benefit of the State. For example, the Lord Lieutenant of Ireland received £20,000 a-year, and he would be relieved from a payment of £1,000. He (Mr. Gladstone) wished to know why this should be done suddenly at a time when very great sensitiveness prevailed in all ranks of the public service with respect to salary, and when there was a disposition to press for augmentations of salary. He was by no means convinced of the propriety of giving relief to this especial class of salaried officers; but they might find, when information had been given, that a considerable proportion of these duties was paid by persons holding offices at low salaries. That, however, had not been brought before them. It was important to know whether the exemption was to extend to the stamps upon appointments to ecclesiastical benefices. If not, he must say that to take off £1,000 from the appointment of a Lord Lieutenant of Ireland, with £20,000, and to say to a clergyman appointed to a benefice of £150 a-year—"You shall continue to pay stamp duty to the Exchequer," was neither just nor politic. He could not assent to such a proposal unless it was of a comprehensive character, and made to apply to those who had a very much stronger claim to relief than the officials who it appeared were alone to benefit by this clause. He thought the request for more information could not be refused.

THE CHANCELLOR OF THE EXCHEQUER said, he had already explained the circumstances under which the Government proposed to make the contemplated change in the charges on appointments, and, in fact, he had called attention to the matter last year when a question arose with reference to the very appointment to which the right hon. Gentleman had referred—namely, that of the Lord Lieutenant of Ireland. The circumstances of that case were somewhat peculiar, because it appeared that in the old times the Lord Lieutenant of Ireland had to pay on his appointment a certain fee of something like £250; but that three or four years ago, when the late Government was in office, an Act was passed consolidating the Stamp Laws, and by the Schedule of that Act it was enacted that an *ad valorem* duty, at the rate of 5 per cent, should be pay-

able on admission to any office by writing. One of the consequences of the passing of that Act was that the Lord Lieutenant, very much to his surprise, found himself compelled to pay £1,000 on his appointment. He (the Chancellor of the Exchequer) brought the matter under the notice of the House last year, and with general approbation it was agreed to refund the Lord Lieutenant the difference between the amount of the stamp duty which he had paid and the duty paid by his predecessors. In point of fact, it would be very unfair that a nobleman who undertook to discharge duties which involved a very considerable expenditure should be mulcted in a large sum on his appointment, which he might be called upon to resign within a month. The case, however, which had been even still more pressed upon the attention of the Government was one of a different character. As he had already said, this alteration in the Stamp Laws, requiring stamps to be paid on all appointments in writing was made a very few years ago, and for a year or two it did not appear to have had any particular effect; but last year or the year before the Controller and Auditor General took notice of the appointment of Mr. Rivers Wilson to the office of Secretary and Controller of the National Debt Office, and contended that Mr. Rivers Wilson was appointed by writing, and that therefore he was liable to pay the stamp duty on his appointment. As this was a case of an appointment which had never been subject to such a charge previously, Mr. Rivers Wilson had disputed his liability. The question thereupon arose as to what was an appointment in writing, and whether by the fact of the appointment being entered in the Minute Book of the Treasury it became an appointment in writing. The case of Mr. Rivers Wilson raised the whole question throughout the civil service. There appeared to be a large number of appointments in the civil service, such as those of Permanent Secretary to the Treasury, the Under Secretaries of State, and a large number of other offices of greater or less importance, on which no stamp duty was paid; while, on the other hand, when the case with regard to political appointments came to be looked more carefully into it was found that after a change of Government, the First and the Junior Lords of the Treasury, the

*The Chancellor of the Exchequer*

Chancellor of the Exchequer, the Lords of the Admiralty, the Lord Lieutenant of Ireland, and he thought a very small number indeed of gentlemen who held political appointments did pay these charges under the recent Act. He was informed that it had not been usual for the Secretaries of State, the Lord President of the Council, the Lord Privy Seal, the Lord Chancellor, and some other persons holding highly paid offices to pay this duty upon appointment. When a patent appointment was made there was a stamp on the patent, and that duty he did not propose to touch. When the Lords of the Treasury, for instance, were appointed they paid a certain stamp duty on the patent, and in addition 5 per cent on the annual value of their appointments. On the patent they would have to pay some £20 only; whereas the 5 per cent might amount to £250. It was evident that there was very great inequality, and the opinion of the Law Officers of the Crown was taken with regard to the liability of particular appointments to be subject to this charge. It appeared to the Government that the existing system was very unsatisfactory, and that the best way of getting out of the difficulty was to put the whole of the service on the same footing. It was very difficult to say what was the amount of revenue from these stamps, because no separate account was kept. From the information, however, which he had received from the Stamp Office, he was induced to think that by imposing a duty of 5s. per cent on all appointments the Exchequer would gain as much as would be lost by foregoing the 5 per cent. If the duty were enforced everywhere it would have to be paid by secretaries of railway companies, secretaries of all kinds of joint-stock companies, and clerks in banks. Indeed, a very large number of persons would be caught by this duty if it were rigorously enforced; but there would be very great difficulties in so enforcing it. Even in the Civil Service difficulties arose which the Government endeavoured to meet; but at last it became doubtful whether the sum raised was really worth all the trouble and annoyance it occasioned. After very careful consideration had been given to the question by the Treasury, it was thought that about £6,000 a-year would be the amount produced on the average. If



they had a change of Government every year, of course the amount would be greater. Under all the circumstances, it seemed to him that the simplest and best course would be to let such a vexatious, unnecessary, and petty tax go altogether, as it only led to a great deal of inequality, and sometimes to rather curious scruples of conscience. He hoped, therefore, the Committee would accept the proposal which was made.

In reply to Mr. GOSCHEN,

THE CHANCELLOR OF THE EXCHEQUER explained that at present, if an appointment were made by patent, there were two charges—namely, the stamp duty on the patent, which it was intended to retain, and, in addition, the *ad valorem* duty on the appointment. It was the latter duty that he proposed to remove.

MR. GOSCHEN said, the subject had been brought forward so suddenly that hon. Members had not been able to inform themselves respecting it in the usual manner. It seemed to him that there would still be a stamp on patents which were given in cases conferring a certain status. One anomaly in regard to stamps on patents was the following: when there was a change of Government every Lord of the Admiralty paid his share of the patent by which all the Lords were appointed; but if afterwards a change occurred in the constitution of a Board the new Lord had to pay stamp duty not only for himself, but also for the re-appointment of his Colleagues.

MR. GLADSTONE said, the anomaly referred to by his right hon. Friend furnished a reason why the question should receive full and separate consideration. He was not satisfied that it was expedient or politic to make a remission of this kind, which in practice would almost exclusively affect the very highest salaries. The discussion this evening showed that hon. Members were not prepared to legislate at this moment on the question. It was a new subject, and it would be far better if his right hon. Friend would deal with the whole subject, although he (Mr. Gladstone) did not blame him for not having submitted a more comprehensive proposal.

THE CHANCELLOR OF THE EXCHEQUER, in reference to the observations of the right hon. Gentleman the Member for the City of London (Mr. Goschen), said, that when a new Lord of the Ad-

miralty was appointed, he had to pay, not the whole, but only a proportionate part of the expenses of his patent. He must apologize for having brought the matter forward in this rather hasty way, because it was really a question very difficult to understand. Under the Act of 1870 there was a special scale of duties on Letters Patent under the Great Seal. There were certain fees payable on succession to Peerages, to Bishoprics, and in certain cases of promotion, the payment in each case being £30. That was a fixed sum. The Lord Lieutenant of Ireland was appointed by patent, and he had to pay £30; but that had not been his only payment. This amount would still continue to be paid. Over and above that, however, came an *ad valorem* charge, the amount of which depended upon the emoluments of the office. It was obvious that Her Majesty's Government, in proposing to abolish that charge prospectively, were not acting in their own interests, but rather in the interests of right hon. Gentlemen opposite, when they came to succeed them. The question was this—whether a man who was appointed to a particular office, and who was to receive a salary commensurate with the duties he was to perform, should have to submit to a reduction of that salary equal to 5 per cent on the first year of his appointment. He thought the Committee would agree with Her Majesty's Government that such a charge ought not to be continued.

MR. CHILDERS said, that the Royal Commission, by their Report of February, 1866, recommended that the entire subject of fees and stamps should be considered by a Committee. The change of Government prevented that recommendation being carried out, and he thought it was worthy of consideration whether it should not now be given effect to.

THE CHANCELLOR OF THE EXCHEQUER said, he was quite prepared to look into the question—which was quite distinct from that before the Committee—of stamps on patents and on appointments, and always intended to do so.

Clause read a second time, and *added* to the Bill.

Schedule and Preamble *agreed to*.

Bill *reported*; as amended, to be considered *To-morrow*.



SAVINGS BANKS, &c. BILL.—[BILL 146.]  
(*Mr. Raikes, Mr. Chancellor of the Exchequer,*  
*Mr. William Henry Smith.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,  
“That Mr. Speaker do now leave the Chair.”

MR. FAWCETT moved—

“That, in the opinion of this House, it is inexpedient to pass a Bill which might cause the Savings Banks and Friendly Societies Funds to be less securely invested than they now are, and which does not provide any adequate guarantee that the National Debt Commissioners, in whom these funds are vested, will not annually have to make up a considerable deficit by a Parliamentary grant.”

The hon. Member said, he very much wished the responsibility of challenging some of the principles contained in this important Bill had been undertaken by some hon. or right hon. Gentleman sitting on the front Opposition bench, who could have spoken with the experience of that authority which official life gave. In order to justify the course he was taking he should state what had happened with respect to it. It had been alluded to by the Chancellor of the Exchequer in his Budget speech and on subsequent occasions, and its importance had more than once been acknowledged by the Government, but when the second reading came on at 1 o'clock in the morning he was astonished to find that Government was determined to force it through at a time when no discussion could take place. Under these circumstances, he had determined on the adoption of a course by which discussion would be ensured. The object of the Bill, so far as he understood it, was to prevent the gradual growth and development of the deficit which had arisen in consequence of the funds of the old Savings Banks and of the Friendly Societies being invested in such a way as not to get an amount of interest adequate to meet the interest which had been allowed by the Government upon the funds entrusted to them. In consequence of this a debt or deficiency of £3,000,000 had grown up. No doubt this deficiency should not continue; but what they had to consider was whether the proposal of the Government would prevent it occurring again, and whether it would do it in a way that should be supported by the House.

Before considering this, however, he would point out one great deficiency in the Bill, and that was that he could not see any steps that were taken to get the Commissioners out of debt—that was, to get rid of the debt of £3,000,000. The reduction of the National Debt was just now a fashionable cry; yet the Chancellor of the Exchequer had not the courage to face this debt of £3,000,000. He would now ask the House to consider what the scheme was to prevent a recurrence of this deficiency. It happened that the Commissioners to whom the funds were to be entrusted were to have three funds under their control—the Friendly Societies Fund, the Old Savings Bank Fund, and the Post Office Savings Bank Fund; and all these were to be amalgamated together in hotch-potch. As there had been a considerable gain upon the Post Office Savings Bank Fund, it was proposed that this should go to make up the deficit resulting from the investment of the Old Savings Banks and the Friendly Societies Funds. The second proposal in the Bill was not less questionable. Hitherto the Commissioners to whom the Old Savings Banks and the Friendly Societies Funds were entrusted were not allowed to invest their funds in any but Government securities. They were now to be allowed to invest a portion of their funds in local securities, in the Consolidated Stock of the Metropolitan Board of Works, and in certain local securities called into existence by local authorities. It seemed to him that this proposal was one of so much importance that it should be most carefully considered. It had very important direct and also indirect consequences. He was afraid that if these funds were allowed to be invested in local securities they would throw a kind of indirect Parliamentary guarantee over these securities, which might involve them in some very serious complications. There were also direct consequences of a very important kind. It was perfectly idle to suppose that they could get larger interest without additional risk. If these local securities involved no greater risk than Government stock, why had the Chancellor of the Exchequer stipulated in this Bill that only one-fourth of the funds entrusted to the Commissioners should be invested in these local securities? If, on the other hand, these local securities involved any additional

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but I am rather surprised that the hon. Member (Mr. Fawcett), who pays more attention than the average of Members to these questions, should have taken the line that he has done with regard to this Bill. He has not sufficiently considered what the real position of the question is. He speaks of this Bill as being one to place the funds that belong to depositors in Savings Banks and Friendly Societies, and which are in the hands of the Government, as trustees, upon securities that are less safe than those which they are now invested in. That is really an entire misrepresentation of what is proposed. These funds are not funds that belong to the depositors, nor are they in the hands of the Government, as trustees; and they are not invested by the Government in Parliamentary or any other securities in the sense in which funds which belong to a *cestui que* trust in private life are invested by the trustees. It is quite clear that if I were trustee of a marriage settlement, and there were funds intrusted to me, and I invested those funds in some security which failed, I should be doing an improper thing, and should be responsible for the funds which would be lost. That is not the case here. The security given to the depositors in the Friendly Societies and the trustees of, or depositors in, the Savings Banks is the security of the Consolidated Fund. The monies are placed by the trustees or the depositors in the hands of the Government, and we are responsible for these funds; and though what the Government afterwards do with them may, indeed, be a matter of financial importance, and a matter that the House has the right to determine, yet, so far as the depositors are concerned, they have absolutely no interest whatever in the matter. They have the security of the Consolidated Fund, and whether the Government have invested the money well or ill, the title of the depositors to that money is perfectly safe, and they are secure. I put this forward that there may be no mistake in the country, for it is important that this should be so. I see misleading paragraphs in newspapers occasionally, and I have heard some speeches, which, if read out-of-doors, would be calculated to create alarm, and to make depositors think that tricks are being played with their money. I wish it to be distinctly understood that this, at all events, is out of the question,

*The Chancellor of the Exchequer*

and impossible. The hon. Gentleman says that there is a deficiency, and that it is right to put an end to it; but he says—"You are not taking steps to put an end to it." Now, I think that we are taking such steps, and that they are perfectly legitimate steps. The right hon. Member for Greenwich (Mr. Gladstone) the other night, and the hon. Member for Hackney to-night, said—"You are doing an unjust thing to the depositors in the Post Office Savings Banks by using their surplus to counteract the deficiency upon the old Savings Banks funds." But this is not the essence of the proposal. It is a curious thing, by the way, that the surplus on the Post Office Savings Bank fund does almost exactly meet, or a little more than meet, the deficiency in the other funds. The excess in the interest of the Post Office Savings Bank account to the credit of the National Debt Commissioners is £118,000, and the deficiency on the old Savings Banks and the Friendly Societies funds is £111,000, so that if we set one fund against the other, there would, instead of a deficiency, be a small surplus. I think, as a matter of book-keeping, that we should keep the accounts altogether, and as matters happen to stand, there would in that case be no deficit. If there should be—and one may at any time arise—it will be for Parliament to correct it by a vote, and this is the main principle of our plan; but as the matter stands now there is no occasion for a vote. But where is the injustice? What was the arrangement with regard to the old Savings Banks? The arrangement was this. In the first instance, the Government undertook to take charge of all monies that were deposited in Savings Banks and to allow an interest of about 5 per cent. The amount which they were able to earn as interest upon monies lying in their hands was less than 5 per cent, and therefore they incurred a loss. After a time they reduced the interest more than once, until at last it was reduced to £3 5s. per cent; that is the amount now paid by the Government to the Savings Banks trustees. The Government invested the money, and, in consequence of the greater latitude given to them as to investment some time ago, they make about £3 7s. per cent interest. Therefore, so far as the depositors in the Savings Banks and the Government are concerned, the Government are making

enough to enable them to pay the interest which they allow, with a small margin to set against the expenses of management. There is, therefore, nothing unfair in the arrangement made that the Government should allow £3 5s. per cent interest upon the money received from the old Savings Banks. But, notwithstanding, there is a deficiency, which goes on increasing; the effect of that deficiency being that the Government are obliged to carry compound interest upon it, and though they make £3 7s. per cent, they cannot, of course, correct the deficit or restrain the deficiency from accruing. It is a question how that is to be dealt with—how it is just to deal with it. The State must deal with it. The hon. Member for Hackney says that the most simple plan would be to reduce the interest paid to the depositors. I fail to see the justice of that. If you were to reduce the interest you would make the present depositors in the Savings Banks pay for a deficiency which they had nothing to do with incurring. It is quite as unjust to take the money derived from investments of Savings Banks money deposited at the new rates to pay the deficiency which has arisen on the money deposited at the old rates, as to take that derived from the new Savings Banks to pay the deficiency on the old Savings Banks; but the injustice is increased if you consider how this deficiency arises. It arises, in fact, as has been said, from giving a larger interest than is earned. But that is not the whole explanation; a considerable portion of it arises from the use which former Chancellors of the Exchequer have made of the funds in their hands for public purposes. The Committee which sat in 1857, of which Mr. Sotheron Estcourt was Chairman, found that a very considerable amount of loss had been produced by the dealings of Chancellors of the Exchequer with the funds in their hands, which they used for the purpose of keeping up the price of the funds, funding Exchequer Bills, and other purposes, very legitimate at the time, and, perhaps, profitable to the Government, but with which the depositors in the Savings Banks had nothing whatever to do. Therefore, it would be most unfair that the interest should now be reduced in order to meet a deficiency so created. Then comes another question. The hon. Member for Hackney says we

are going to apply a surplus that belongs, in some way or other, to the depositors in the Post Office Savings Banks. How does it belong to them? The Post Office Savings Banks were constituted in 1860 originally, and they have since been extended on the distinct understanding that the depositors were to be entitled to a certain rate of interest and no more. It was distinctly stated at the time by the right hon. Gentleman the Member for Greenwich that if there was any profit, that profit would belong to the State. The State said—"We are ready to take your money; we will be responsible for it, and will pay you so much interest for it;" and so long as the State pays the interest and takes care of the money it fulfils its contract with the depositors, and to whatever use it applies any profit which it may make, it is perfectly within its right to do so. Is there, then, any more appropriate use of any profit made than in applying it to the same class of persons you intend to benefit. By the competition that was set up by the establishment of the Post Office Savings Banks you are diminishing the profits of the old Savings Banks by drawing away a certain number of profitable depositors—that is to say, depositors receiving a rate of interest calculated to leave a profit to the State. There is now a somewhat larger number of depositors in the Post Office Savings Banks than in the old Savings Banks. That being so, there is nothing unreasonable in the Government considering that we have a moral, as undoubtedly we have a legal, right to use this money, which is the surplus of the arrangement with the Post Office Savings Banks, in order to stop the deficiencies that otherwise would accrue from the old Savings Banks. When the Post Office Savings Banks were established great jealousy was expressed by the directors of the old Savings Banks. They said the new Post Office Savings Banks would come in upon them and carry off all their business, but the Chancellor of the Exchequer of the day was very tender of their interests. He said he would take care the new Post Office Savings Banks should not compete unequally with them, and he fixed the rate of interest lower than for the old Savings Banks; but, with the more perfect security and the other conveniences offered, they were



content with that lower rate of interest. Those were the terms on which the bargain with the Post Office Savings Banks was entered upon, and to be told that we are not to make use of the profit of the Post Office Savings Banks in the manner proposed is scarcely consistent with the arrangement made when they were established. There is another part of the arrangement. The hon. Member for Hackney takes notice of the fact that it is proposed to allow some greater latitude in investments to the Government in dealing with these funds—that a certain proportion—one fourth—should be invested in local securities of a certain character; and the hon. Member says it is a very improper thing to do, because the very fact that we are to get a higher interest on these investments proves that the security is not so good. Of course, speaking broadly, it is generally true the higher the interest the worse the security; but it by no means follows that a security which bears a little higher interest than another is a less safe security. A security may be less convenient or less convertible, and therefore it bears a lower rate of interest. There may be explanations of that sort. But as regards the depositors, as I pointed out just now, it does not signify one half-penny whether the securities are good or bad. It is for the Chancellor of the Exchequer and the House—the watch-dog of the Chancellor of the Exchequer—to see that he does not make an improper use of the balances in his hands. We must consider whether it will not be a proper thing for the Chancellor of the Exchequer to make use of these balances by investing a portion of them in the securities of local authorities. This proposal, in fact, connects itself with the general schemes of the policy of the Government which has two objects in view—the immediate and limited object of endeavouring to get a little better interest for the money to cover the calls that the Friendly Societies and Savings Banks have, and the other of being enabled somewhat to assist local bodies by lending to a certain extent upon the system and scheme that is incorporated in another Bill before the House—the Local Authorities Loans Bill. There is nothing new in this, because we are continually lending money to the Public Works Loans Commissioners. When the right hon. Gentle-

man the Member for Greenwich brought in his Post Office Savings Bank scheme he threw out a suggestion that a portion of the money might be lent to the Public Works Loan Commissioners. If the House will consider the matter, they will see there is a very great amount of delusion—and mischievous delusion—about this matter, which only requires a little clear statement to put an end to. I hold this—for the monies placed in our hands by the depositors in the Post Office Savings Banks on certain terms, by the trustees of the old Savings Banks on certain terms, and by the Friendly Societies on certain other terms—to these three classes of persons the State has—for the two former absolutely, and for the third morally—become responsible. There can be no doubt whatever that any deficiency that might arise in these funds must be made up in some shape or other by Parliament. Her Majesty's Government think it, therefore, undesirable that there should be any accumulating deficiency going on, making a false impression, and that any deficiency ought to be brought to the notice of Parliament from time to time, and voted out of public money. If it should appear that large Votes are to be asked for annually, and we shall have to pay more than we can virtually make out of these monies by way of subsidizing providence, as it has been called, nothing can be fairer than to challenge the propriety of the House making a Vote, of whatever amount, year by year to meet the payment to the Friendly Societies or Savings Banks. But that will not, probably, have to be done, and until it comes to that the case need not be considered. If you adopt this plan we shall have stanchd the growth of deficits, and provided, in all probability, for the gradual extinction of the accumulating deficit, and you will have provided a system for bringing the matter fairly before the public and the House, and to get rid of the mischievous and dangerous delusion which extends itself over the public mind, the idea that there is some insecurity in these funds. With respect to another point raised by the hon. Gentleman under the 7th clause—the use of the Savings Banks monies in creating Terminable Annuities—it will be more convenient to deal with that in Committee.

*The Chancellor of the Exchequer*



MR. GLADSTONE: This is a question of which the Chancellor of the Exchequer has truly observed that it is of great importance and interest; and, at the same time, some of its financial points are complicated in themselves, and require a great deal of historical knowledge in order to properly discuss them; and I shall have to criticize his speech on the ground that his knowledge of it is not so extensive on all points as it ought to have been, because I can point out one fact of the utmost importance which he has entirely omitted to notice. I emphatically agree with my right hon. Friend in what I think it will be said is the fundamental principle of his speech with regard to these deposits—that they are held by the Government as bankers, and not as trustees. I may well hold that principle, because it cost me much labour and anxiety to establish it in the face of considerable opposition: I hold by it firmly, and I am prepared to carry it to all its consequences. While, therefore, I criticize the proposal of my right hon. Friend to invest these monies in the securities of local Boards, I shall do it entirely on the principle to which I have referred. I shall not pretend to say that it involves any question of the safety or of the danger of the deposits, but limit myself entirely to the question whether it is wise for the public as bankers, in the use of their own money as such, to invest it in securities issued by local subordinate governing bodies, who may in many cases fall into difficulties, and when they do, as can be shown by history, they can bring pressure to bear upon the Government to abate the rights of the public, of whom they are the bankers. My right hon. Friend misunderstands, or has not represented accurately, the speech of my hon. Friend the Member for Hackney (Mr. Fawcett). I did not understand him to found his case on a denial of the fundamental principle that the Government are bankers and not trustees, but from the starting point of the Chancellor of the Exchequer, which, as I have said, is the starting-point which I myself take. I am unable, however, to travel with him a single step along the road on which he marches, though I agree with him in some of his details. The principle of bringing to account every year the deficiency and liability the public are about to incur is a good one, and he deserves

credit for having provided a time when he might fairly propose to give effect to that principle: but I will endeavour to clear up the vital and fundamental confusion in the arguments of the Chancellor of the Exchequer. He says that the depositors in the Post Office Savings Banks have no claim whatever to one shilling of the balance accredited to their account and now in the hands of the public. It is quite true and perfectly undeniable. I cannot, however, agree with his history of the Post Office Savings Bank in some important points. I think I am entitled to be an authority on that history in some respects; and I must entirely demur to the statement that the interest on deposits in the Post Office Savings Bank was fixed at the low rate of £2 10s. in order to prevent competition with old Savings Banks. It was fixed on a very different principle. It was fixed on a sound banking principle—that is to say, it was the highest sum which, in our then state of information, we felt morally certain that we could afford to pay without incurring loss or risk to the public. What has probably misled my right hon. Friend is that in the course of the argument on the subject—for I must say the Government of the day were grievously persecuted by the managers of the old Savings Banks—in order to obviate some portion of their unreasonable jealousies and most unreasonable claims, it was urged that when they received from the public £3 5s., while only £2 10s. was to be paid to the depositors in the Post Office Savings Banks, there could be no idea of competition. I hold that the true way to a sound and fruitful discussion of this question, as respects the objection of the hon. Member for Hackney, lies in the distinction which it is our duty to draw between our moral obligations in regard to the funds as they now exist either as to a deficit on the one hand or a surplus on the other, and the prospective policy which we are to pursue in future. The two things are totally and absolutely distinct. It is perfectly true that the depositor in the Post Office Savings Bank have not the slightest right to complain if we give the whole balance now standing to his account to endow the Lord Lieutenant of Ireland, as we bestowed a small endowment last Session; but I think he would have great title to complain if you tell him, as the

Chancellor of the Exchequer does now—  
 “I am going to establish two systems of banking—one to pay, and one not to pay. I am going to do banking for you in order to get a profit to give to the other customers.” Is it inconsistent to object to such policy because we say we are bankers, and not trustees? What would one of ourselves say to a banker of ours who should divide his customers into two classes, for one of whom he would do business at a profit and the other at a loss, and if we ourselves were to stand in the position of customers for whom he would do business only at a profit in order to apply that profit to the benefit of those for whom he did business at a loss? Surely it would be very bad policy to establish or carry on any banking account whatever except on one principle—that it should be a paying account. Is it a paying account? Will it be a paying account? What proof is there that it will be? The right hon. Gentleman has said that the deficiencies on the old Savings Banks is due in some degree to the proceedings of former Chancellors of the Exchequer, which might be called tampering, so far as the old Savings Banks are concerned, and about which there is a great deal to be said. The right hon. Gentleman refers to the periods of Lord Althorp in Earl Grey’s Government, and Mr. Goulburn in that of Sir Robert Peel’s Administration. Mr. Goulburn, in the prosperous state of things then existing, applied £20,000 of the Savings Banks money daily for a considerable period to the purchase of stock at very high rates, which materially contributed towards enabling him to bring in a Bill, which he carried, in 1844, and which produced an immediate saving of £600,000 to the public, and an ultimate saving of £1,200,000 a-year. My right hon. Friend referred to the authority of a Select Committee. But was Mr. Sotherton Estcourt or Sir Henry Willoughby so conversant with the financial condition of the country as to be altogether competent to guide this House? I am not aware that Mr. Goulburn in applying £20,000 to the daily purchase of stock did, in the slightest degree, any damage to the Savings Banks fund. But I do not take my stand upon that, because the particulars are not fresh in my memory. What I want to know is the amount which my right hon. Friend estimates is

due to these proceedings on the part of Chancellors of the Exchequer? [The CHANCELLOR of the EXCHEQUER: I cannot name any sum.] Has he no idea? Does he think it is £1,000,000 or anything like £1,000,000? If I say it is not £1,000,000, is he prepared to contradict me? I want to know what would be the answer if I gave such an opinion, and I will venture the opinion that it would be extremely hard to show that anything like that sum was due to the undertakings of Chancellors of the Exchequer. However, I am willing to make a liberal allowance, and even if £1,000,000 were a reasonable estimate—and I think it an excessive one—no great damage has been done to the funds of the Savings Banks in that way, for I myself, as Chancellor of the Exchequer, threw £2,000,000 into the gulf in order to meet this deficit by the Act which converted £20,000,000 of Three per Cents into £20,000,000 of cash deposits. I saddled the public with the charge of about £2,000,000 towards the extinction of the Savings Banks deficit, and therefore the whole of the Savings Banks deficits, and much more as it now stands, is due solely and simply to the fact that we have been banking on principles that no banker would have adopted. It gratifies the benevolent crotchets of certain classes of politicians; but it is a principle and practice which is thoroughly unsound, as I believe the Chancellor of the Exchequer will admit. My right hon. Friend complained of me the other night, that I made everybody’s head ache by explaining that the Chancellor of the Exchequer had two different capacities—one the character of a financial administrator, and the other that of a banker. But to-night he has had to dwell upon his character as a banker as distinct from that of an administrator of the national finances. The right hon. Gentleman is now proposing a bank for wholesale banking principles, or he is not. We have got a deficiency of £3,300,000, exclusive of the Friendly Societies, and to that a sum of between £4,000,000 and £5,000,000 must be added, and for that amount the public must be sconced in consequence of our bad banking. What are the indirect results of this bad banking? One indirect result is this—that you place your funds in continual danger. You pay to the depositor more than the market rate

*Mr. Gladstone*

of interest, and thereby make your Savings Bank an object of investment for people who go into it for investment, and to remain with you as long as they get a better rate of interest than the public securities will give at the time, but whose intention it is to withdraw their money just at the time when it is most inconvenient for you to pay it. That is the history of the greater part of this deficiency. My right hon. Friend knows very well that the statement he has given us, that he can now make on an average £3 7s., is no conclusive and definitive settlement of the case. He has no reserve whatever to meet periods of difficulty. What would my right hon. Friend say of a banker who looked at the interest he was able to give at a certain moment on the balances in his hand, but who never took into account the losses to which he would be subject on sudden calls for the withdrawal of money, when he must necessarily sell securities at unfavourable terms? My right hon. Friend has submitted this case without making the slightest allowance for the fact that when times of great pressure come, when times of great distress arise, and when the public has to borrow largely, a great portion of the old Savings Banks depositors rush in and make withdrawals far exceeding your receipts, and you are obliged to encounter heavy losses on these withdrawals. It is palpable and undeniable that my right hon. Friend with a balance between £3 5s. and £3 7s., with this 2s. per centum, has not allowed 1s. for these periodical returning losses, and which I affirm are the main constituents of this heavy deficiency we are now called upon to meet. I think I have established that. My right hon. Friend means to have two systems of public banking—one system which is to pay and which shall draw profits—namely, the Post Office Savings Banks; the other a system which shall not pay, which in favourable years may enable him to make ends meet and no more, but which in unfavourable years—as experience showed, if my right hon. Friend will not shut his eyes to it—cannot possibly pay, and which he can only sustain by making over to it the profits he derives from the other operation. I say that no private bank would so deal with its customers as to divide them into two classes. That is a simple statement of the case,

and until my right hon. Friend is able to produce facts and figures totally different from those produced to-night or on any former occasion, I must abide by it. I also wish to point out the effect of this principle of paying interest over and above the market rate. It is associated with something that I always hold to be a great evil—namely, the creation of a sham vested interest in the country. We have not given any security to the Savings Banks depositors. Do not let me be told that I am giving cause for unnecessary alarm when I proclaim that it ought to be known to the whole world that no public security is given whatever to the depositors in the old Savings Banks. There is an absolute public security given to the trustees, but as respects the trustee, and between the trustee and the depositor, the trustee is under no liability whatever to the old Savings Banks depositors, unless it can be shown that he is guilty of fraud or such connivance at fraud as amounts to guilt. This practice of not transacting matters of business upon principles of business, but of making it a matter of sham banking and pseudo-benevolence, has created this vested interest, and has set up this power in the country which presumes to interfere with the proceedings of Parliament, which exercises a most illegitimate pressure in all directions—as I know well from experience—and which makes it difficult for the House of Commons to give the public that accommodation which is so desirable, both for them and the State. Another consequence of this system has been to oblige you to introduce into your system most vexatious, paltry, and petty restrictions. No depositor is allowed to deposit in an old Savings Bank more than £200. Why not? Because you know that the inducement to deposit is illegitimate, and as it is illegitimate you keep it within the limits of that amount, so as to make it, as you choose to think, for the benefit of the poorer classes of the community. In the same way no depositor is allowed to pay into the Savings Bank more than £30 a-year. Will it be believed that these restrictions were imported into the old Savings Bank system because it was an extravagant system and paid to the depositor more than it could afford to pay. I myself was compelled—I am almost ashamed to say so—as the price of ob-

taining the measure, to introduce these absurd and vexatious restrictions into the Post Office Savings Banks, and to inflict upon the Savings Banks depositors, along with the low rate of interest which I was able to afford upon sound principles, those vexatious and silly restrictions which belonged to the other and illegitimate system of Savings Banks, and which had created such a jealousy, such a spirit of monopoly, and such a spirit of aggression in a portion of the managers of those Savings Banks that they would not allow justice to be done to those who would give us their money upon terms convenient to us and profitable to them. All these restrictions my right hon. Friend proposes to maintain, and at this moment the man who wants to go to the Post Office Savings Banks, and who is content with a rate of interest from the public which comes to £2 7s. a-year, is positively not allowed to deposit more than £30 in any one year, for fear he should give offence to any of the old Savings Banks. It was impossible to carry absurdity much further. This is called a reforming measure, but it does not contain one line for removing this gross inequality. It coolly adopts the unsound principle to which I have referred, and asks Parliament to sanction two systems of Savings Banks, one of which can walk upon its own legs, and one which cannot, and having, therefore, to be carried on the back of the first. I feel a sort of vested interest in the Post Office Savings Banks, and I have always watched them with intense interest, and I have always felt convinced that they would become sources of benefits and advantages more than I could easily enumerate. They established relations between the State and the thrifty portion of the people—I wish to Heaven they were a larger portion of the people—that were wholly unknown before. It is quite a mistake to suppose that the old Savings Banks before met the wants of the people. They did not meet the wants of the people. The number of independent workmen, the number of heads of families holding an independent position in the working classes of society that are depositors in the old Savings Banks is trifling. It is a very small proportion of the whole. It is the Post Office Savings Banks which really go home to the people, and in which the people

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have confidence. I do not say a word against the old Savings Banks if they are only content to be treated upon reasonable principles, and if they will not interfere with the House of Commons when the House wishes to apply the same principles to other people. These banks are very useful and valuable, but their utility is almost entirely of an exceptional character, and limited to persons who are more or less in a state of dependency upon the upper classes of society, those who are objects of care and benevolence, or the class of domestic servants. But it is the Post Office Savings Bank that is the institution of the people. I do not claim for the Post Office Savings Banks one jot or tittle more than justice; but I say that justice is due to them, because they form this great, popular, and truly national institution. And they have thoroughly and entirely acquired the confidence of the masses of the community. I do not say that it pays you too largely; but I think, on the whole, it would be well to reserve large sums even for a longer period than that for which the Post Office system has now endured. About £2,000,000 were, some 10 or 12 years ago, given by the House of Commons to get rid of the Debt, which has immensely increased since that period. That the other system does not pay at all is clear from the deficits staring us in the face. There are many other things in the Bill which I dare say will be the subject of consideration when we get into Committee, and on which it is not necessary to dwell now. My right hon. Friend takes credit for what he calls the union, but what I should call the confusion of accounts. I will take the case of an insane banker, and I look on that as a fair parallel in the position in which we are now asked to place ourselves, with his two banking systems, the paying and the non-paying, and his two classes of customers, one of whom is asked to bear all the expense at which business is done for the other. If my right hon. Friend can prove to me that he can pay his £3 5s., and that, while paying his £3 5s., he can lay by every good year such a sum as every prudent banker would think fit to have to his credit, in order to meet those periods of danger which have always occurred periodically in former times, and will recur hereafter, then I will admit he has made good his case. But he has made no



attempt to do that; and all he says is that, in favourable times, he pays £3 5s., and, subject to deductions, he gets £3 7s. He has not attempted to show that he has made any provision for a rainy day. [The CHANCELLOR of the EXCHEQUER: I propose to improve the investments.] My right hon. Friend proposes to improve the investments, and I admit that from his point of view that is a proposal which tends to better his position; but I am bound to say that I am not prepared to accept that improvement. I see such danger and I see such inconvenience in it. In a Parliamentary Government like this—and a Parliamentary Government which like ours is more and more proving its efficiency most of all in the facility by which local and individual pressure and claims of sectional and smaller interests are brought to bear as against the public—I am jealous and apprehensive for the sake of a trumpery sum of money of establishing a system such as that which my right hon. Friend proposes. He has been good enough to affiliate on me some of the responsibility, because I said that the money in the Savings Banks might with advantage be employed for the purposes of the Public Works Loan Commissioners; but that is a totally different thing. It establishes no new relations of any kind. The Public Works Loan Commissioners are a tried and independent body, to whom we have every reason to be grateful. These Savings Bank balances are public money, and to employ them through those Commissioners would be exactly the same as employing them in the Exchequer. It is a totally different thing if you determine that the Imperial Government of this country can wisely become the creditors of the multitude of small governing authorities dispersed over the whole surface of the country. Therefore, I am sorry I cannot admit the pecuniary plea which I fully grant the Chancellor of the Exchequer is entitled to urge. I will not detain the House by entering more fully into matters that may be treated in Committee, especially as I am anxious to keep the view of the House strictly concentrated on this one question—whether a system under which we are to receive the smallest sums of money all over the country, under which we are to pay £3 5s. under all circumstances for that money as money at all times, and to be liable to

return it in times of difficulty—whether that, by prudent men, is to be called a paying system. If it is a paying system, on sound commercial principles; if it is a position which enlightened men in the City of London managing a concern for themselves would be content to maintain, then I grant my view is erroneous, and the view of the Government is justified. I contend it is otherwise, and if it is so, then the union of accounts so sanguinely projected by my right hon. Friend, so far from being a union, is confusion, and a mere device, not so intended, but in its effect, for hiding from Parliament and the country the clumsy, unworkmanlike, and highly impolitic nature of the scheme we are invited to adopt.

Mr. J. G. HUBBARD said, the Parliamentary Paper which had been distributed that morning showed distinctly how they stood as regarded the interest allowed to depositors in the Post Office Savings Banks. The Returns for the year showed that £524,000 had been allotted as interest to depositors, and that there was a surplus of £18,000, after allowing for £99,000 expenses. One-fifth of £524,000 was £105,000, which could be taken from the existing surplus, making  $2\frac{1}{2}$  per cent into 3 per cent interest, without diminishing the necessary balance on the surplus of the account. The deficiency on the old Savings Bank account was exactly a quarter per cent. The deficiency of £3,000,000 had been existing on the old Savings Banks for some years. The interest upon that was £100,000 a-year. The average deficiency of receipts upon the ordinary Savings Banks during the 12 years ending 1870 was only £116,000, exceeding, therefore, by a very small sum, the interest on the deficient amount of capital. That was an exceedingly gratifying circumstance in connection with the ordinary Savings Banks. While he acknowledged that the question of the rate of interest was a very important one, which might with advantage occupy the attention of the House hereafter, he did not think it had been intended to raise it by the Bill now before them. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] The object of the Bill was to condense the accounts of the old Savings Banks, the Post Office Savings Banks, and the Friendly Societies into one account, and he saw no reason



why that should not be carried out. He had, however, a very decided objection to the clause which gave the managers of these banks the power of investing in local guarantees and debentures. That clause authorized a system which, he thought, would be exceedingly dangerous, not as regarded the depositor, but as regarded the integrity of the fund; and he did not see that there was any need to seek for a higher-paying security. There was an important question connected with this measure, which he hoped would not escape the serious attention of the House. He wished to ask whether it was desirable by a Bill of this kind to place in the hands of the Chancellor of the Exchequer personally the power of adding millions to the taxation of the country. That would be the effect of the power given by the 7th clause of the Bill as it now stood, if the Chancellor of the Exchequer chose to exercise it. That clause would enable the Treasury by warrant to direct the Bank of England to cancel a certain amount of Perpetual Annuities standing in the name of the Savings Banks, and to substitute Terminable Annuities of an equivalent value. Suppose, therefore, that in 1877 such directions were given for the cancelling of £14,000,000 of Consols, and the creation of £2,000,000 of Terminable Annuities payable to the year 1885. In that way £14,000,000 of Consols would be cancelled by a stroke of the pen by the Bank of England, and Terminable Annuities of £2,000,000, to last for eight years, would be substituted in their place. That might be done in the Recess; and when the Chancellor of the Exchequer brought forward his next Budget, he would have to show, among other things, what was the charge for the National Debt. In the previous year it might have been £27,000,000 sterling; now he would say it was £28,580,000. The interest on the £14,000,000 of Consols that had been cancelled was £420,000, and the substituted annuity would be £2,000,000. The difference—namely, £1,580,000, through the exchange of security, was added to the charge for the National Debt. It became one of those obligations for which the Finance Minister was bound to provide, and he was bound therefore to see that the taxation he imposed on the country was sufficient to

meet the additional liability. He was sure that the present Chancellor of the Exchequer would not think of doing so cruel an act as that, but it might be otherwise with his successors; and if the right hon. Member for the University of London (Mr. Lowe) were again Chancellor of the Exchequer, there was nothing probably that would give him greater delight than making use of that special means of obliterating the National Debt by the creation of Terminable Annuities. As regarded the taxpayer, those Terminable Annuities were engines for enabling the Chancellor of the Exchequer to aggravate almost indefinitely his demand upon the taxpayer. On the other hand, as regarded administration, nothing could be more inconvenient than heaping together those Terminable Annuities in the way they had been hitherto treated. He asked the House whether it was prepared, by Section 7 of that Bill, to place on the Statute Book a provision which would give to the Finance Minister the power by his own arbitrary will of adding millions to the charge for the National Debt, and thus creating, at all events, a formal necessity for increasing and intensifying the taxation of the country. Let the question of the reduction of the Debt be dealt with on its own merits, and with the full knowledge of the House; but do not let them sanction a provision so utterly unconstitutional, and so fraught with danger as that to which he had referred.

MR. LYON PLAYFAIR objected to the Bill, because it would have the effect of withdrawing public attention from the important fact that they had two systems of Savings Banks—one of which was a great financial failure and the other a great financial success. In 1871 the surplus of the Post Office Savings Banks was £445,000, and now it was £860,000. The Chancellor of the Exchequer said the public had a right to use that £860,000 in any way it desired. He fully admitted that; but he held that there was a public policy in the use which should be made of that surplus. Was it not better to use it as a means of going deeper down among the humbler classes, from whose savings it had accrued, in order to encourage thrift and frugality, rather than to use it to recoup the deficit which the State had incurred by its bad bargain with the old Savings Banks? The old Savings Banks were

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constituted on the principle of giving bounties to induce people to save; but experience showed that it was no longer necessary to resort to that expedient. While the depositors in the old Savings Banks received, on an average, £2 19s. 4d. per cent, the depositors in the Post Office Savings Banks got practically only £2 7s. What was the result? Why, that on account of the facilities together with the security and the secrecy which the Post Office Savings Banks afforded, the number of their depositors was continually increasing; whereas the depositors in the old Savings Banks were not now so numerous as they were in 1864. The Government had no control over the management of the older banks and that management was costly. It amounted to 1s. for every transaction compared with 5½d. in the Post Office Savings Banks. The State was paying the difference and supporting a bad system of management, although it could get an abundance of money at the lesser rate of interest. Under these circumstances, it was not right to continue the bounty system. He had expected that this would have been a large measure of public policy, and that the Government would have collected the pence as well as the shillings of the poor. Why did we limit deposits to 1s., and refuse 6d. or 3d.? It would have been wise to have gone deeper in the encouragement of thrift. He had also hoped that the maximum sum to be paid in in one year might have been raised from £30 to £50, and that the wording of the Act might have been amended so that the restriction should apply only to the actual accumulation, and not to the sum paid in irrespective of what might have been drawn out, for at present, if a man had paid in £30 and drawn out £29, he could not pay in any more within the year. We might also raise the maximum of the total deposit, which was now restricted to £150, or, with interest, £200. This restriction was foolish when we had a system which was paying for itself, although it was necessary under the original system, which was carried on at a loss to the State. The mixing up of the accounts provided a surplus which was a convenient surplus for the Treasury to manipulate; but by mixing up the accounts we were deluding the poor. We were giving one set of depositors

£2 19s. 4d. per cent, which was more than we could afford to pay, and another set £2 7s. per cent, and the 10s. per cent profit made out of the deposits of the second class paid the higher interest to the former. We might have met the deficit by boldly saying we would not give more than 3 per cent to the old Savings Banks. We might do it by raising the maximum yearly deposits from £30 to £50; or we might do it by allowing depositors to reach £500, instead of forcing depositors to invest in the Funds against their will; or we might do it by appropriating lapsed accounts, of which there were many that encumbered the books and never would be claimed. The first method—that of reducing the interest—would be the best, and it would be better than attempting to get an increased rate of interest by the questionable method of investing in local securities. This Bill simply put the two accounts into a hotch-potch account, and proposed that any deficiency should be met by a Parliamentary grant. It would have been infinitely better to have kept them separate, and to have asked for a Vote if necessary on each separate account. If one account only exhibited a deficit, Parliament, in course of time, would see the folly of continuing such an unnecessary and costly plan, and would not allow the financial failure to go on. There was no difficulty in merging the two systems, for 170 of the old Savings Banks had already been merged in Post Office Savings Banks. The Bill was intended to effect a fusion of accounts, but it really produced confusion, and it would render future reform more difficult. When he was Postmaster General he had looked forward to the opportunity of encouraging thrift by the Post Office Savings Banks, and he believed it might be done without loss to the State. If the Bill passed in its present form, every Treasury Board would oppose future reform, because it would be so convenient to use the surplus to prevent the appearance of a deficiency. Under these circumstances, he must support the Resolution of the hon. Member for Hackney.

LORD ESLINGTON said, he thought that too much stress had been laid on the failure of the old Savings Banks system as compared with the new. The temptation offered to the poor to in-

vest in the new Savings Banks, and accept a much lower rate of interest was the extreme convenience which the machinery afforded them for depositing their money. With regard to the much talked-of success of the new system, he would remind the House that, after all, it was still upon its trial. He hoped and believed that the debate of that evening, and particularly the powerful and warning speech of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), would have the effect of putting an end to the existence of two systems of Savings Banks. He feared, but trusted his fear might not be realized, that the speech to which he had referred would cause a run upon the old Savings Banks. He had never yet been able to understand why, under the guise of encouraging thrift among the poorer classes in this country, the taxpayers, who were far more largely composed of poor than of rich people, were to be called upon to meet the cost of conducting business which resulted in loss rather than gain. He hoped that some steps would be taken to remove the unnecessary restrictions now in force in reference to deposits in Post Office Savings Banks, and also that, if possible, the poorer class of depositors would be induced to invest in the public funds of the country by the offer of stock in small sums. He noticed that the Bill provided for the investment of the funds of these Savings Banks in the consolidated stock of the Metropolitan Board of Works and in debentures or other securities created by quarter sessions, town councils, or other local authorities. He objected to this invidious selection, and wished to know why the money might be invested in the securities of, say, school boards, while the securities of harbour boards, which were engaged in important national work, were not to be included.

LORD FREDERICK CAVENDISH said, he calculated that the loss to this country on the interest upon deposits in the course of 30 years, or since 1844, amounted altogether to about £3,800,000. In the first five years following 1844 the annual loss of interest was about £24,000, and the £3,800,000 was not to be accounted for by that rate of loss annually, but by the fact that they had to sell out stock at such heavy losses in bad years, as in 1848—the year of the famine—when stocks had to be sold at a loss of

more than £2,000,000. The Chancellor of the Exchequer seemed to have carefully kept that fact out of sight, and in the course which he proposed, he was preparing difficulties for his successors. The right hon. Gentleman the Chancellor of the Exchequer ought now, after the experience of so many years, to say what was the rate of interest which could be afforded to depositors. Let them not confess that they were too weak to do what they considered was right. The Government were strong, and had a large body of supporters, and ought to do what was necessary, although it might be unpopular. No one would propose to subsidize the depositors in Savings Banks out of taxation.

MR. GREGORY said, there would be considerable force in the objections made to the Bill, if it in any degree tended to the disadvantage of the Savings Banks already established; but it did nothing whatever to impede their operations. Again, if it was correct, as had been alleged on the other side of the House, that this was a pure banking operation, the country had an absolute right to the surplus and to dispose of it as it thought proper. The Government, therefore, might, if it chose, apply that surplus to the reduction of the deficiency in the accounts of the Savings Banks. But he could not help thinking, with great respect to hon. Gentlemen on both sides of the House, that this principle of banking operation, as regarded Savings Banks, had been carried somewhat too far. He perfectly admitted that as between depositors and the Savings Banks, it was a banking operation; but, as regarded the public and the Savings Banks, he apprehended it was something nearer the nature of a trust. If it was a pure banking operation to all intents and purposes, he apprehended the persons who held the money would have the same facilities for operating with it which bankers enjoyed. But the Preamble of this Bill showed that the trustees of the Savings Banks had, in the first place, to pay their deposits to the National Debt Commissioners, who gave them receipts for those deposits on which a certain rate of interest was paid; and then came the recital that the National Debt Commissioners had been and were required by the Acts by which they were constituted to invest the deposits in Government securities. He took it that the scope of

the Bill was to enable the National Debt Commissioners to employ the money so committed to them to greater advantage than they could under the restrictions now imposed upon them, and thereby to benefit not only the country, but depositors. The Bill would give opportunities to people to invest at 3 per cent if they thought fit. It was essentially beneficial to working people to realize 3 per cent on their savings instead of 2½ per cent which they now received in the Post Office Savings Banks. He would suggest that the National Debt Commissioners should have the same powers which were now usually contained in the will or settlement of a private individual, and should be at liberty to invest in Indian or Colonial Government securities, in debenture stock of railway companies paying interest upon their ordinary share capital, and securities of that nature. He very much preferred such securities to those proposed by the Bill. We had gone far enough in giving power to the Commissioners of the National Debt to make advances to local authorities. Very considerable loss, to his knowledge, had been incurred through such advances.

MR. D. DAVIES expressed his surprise at the statement of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), that the Government were not responsible to depositors. No doubt, they were not responsible technically, but they were responsible substantially. He believed there was an old debt of £1,500,000. If that were cleared off they might be able to pay the depositors a larger interest; and the Chancellor of the Exchequer would start with a clean balance sheet.

MR. HERMON said, nothing could be clearer than the statement of the right hon. Gentleman that the Government were entirely responsible for the whole of the deposits paid into the Savings Banks. He was glad that the Chancellor of the Exchequer had made such a clear statement upon the subject. He hoped the Government would devise means for enabling the working classes to invest their savings in the public funds.

MR. MUNTZ said, that it was no doubt desirable that the depositors should receive the largest amount of interest which could be obtained from the investments on good security. The Government were not responsible to the de-

positors in the old Savings Banks—unless some change had taken place—but to the trustees of those Banks, but they were responsible to the depositors in Post Office Savings Banks. He did not see any use in amalgamating these three funds. The difficulty of the Chancellor of the Exchequer seemed to be a very simple one, and the right hon. Gentleman ought to meet it boldly by stating that the interest now paid to the trustees of the old Savings Banks must be reduced on all future investments. The loss to the Government, no doubt, arose from their having to buy when the Government funds were high, and to sell when they were low, and consequently there should always be a wide margin in the rate of interest to allow for any loss that might occur. Not only were the depositors in the Post Office Savings Banks secured against loss, but their accounts were kept perfectly secret, and that was not always the case with the accounts of the depositors in the old Savings Banks. In questions of finance he knew no Party; but while he admitted that the Chancellor of the Exchequer was bound to take some step to meet the deficiency which existed, he could not regard the proposed step to be that which should be adopted. Under all the circumstances of the case, he should, if his hon. Friend divided the House, vote with him.

MR. W. H. SMITH said, that the obligation of the State to the depositors in the old Savings Banks was limited to the sums which it received from the trustees, together with interest on the total sum thus received at the rate of £3 5s. per cent per annum. The possibility of the recurrence of bad times and of runs upon banks had been referred to, and it was said that the Chancellor of the Exchequer might, at such times, be under the necessity of effecting sales in the market at considerable reductions of price; but it seemed to have been forgotten that under the system of Terminable Annuities large sums came into the hands of the National Debt Commissioners—sums greatly in excess of any demands which a run upon the Savings Banks could occasion. The capital to be re-invested from time to time amounted to about £3,500,000 year by year. If the funds were depreciated in value then the result would be that instead of purchasing back, say at 93 or 94, they might



possibly purchase back at an amount varying from 85 to 90. The real fact of the case was, that the deficiency on the old Savings Banks account had never been grappled with by any Chancellor of the Exchequer. If the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) had, when he converted £24,000,000 of Stock into Terminable Annuities, dealt with it and extinguished it, there would have been no deficiency now; but it was left untouched, and the deficiency had gone on growing year by year, and had resulted in the accounts now before the House. Grave objection had been raised to placing these three accounts on one page, though there had been no objection to placing these three accounts on three different pages. The honour and credit of the country were pledged for the repayment of the deposits placed in the Post Office Savings Banks; and they were also pledged to the trustees of the old Savings Banks and the Friendly Societies for the amounts placed in the hands of the Government and for the interest upon it. For his part, he was at a loss to see the gravity of the supposed error in substituting one page for three sheets of paper. This, however, he did see—namely, the importance of bringing under the notice of the House of Commons year by year, as it was proposed to do by the Bill—the fact that a deficiency existed in respect of this particular account, a fact which in years past had been kept out of sight, slurred over, and therefore forgotten. It was true that from time to time right hon. Gentlemen and hon. Gentlemen had stated that it was very improper to allow £3 5s. per cent interest on deposits, and suggestions had been made for the reduction of the rate; but although Chancellors of the Exchequer had had large majorities at their backs, Bills on the subject to reduce the rate of interest to be allowed to the trustees of the old Savings Banks had not even been advanced to a second reading. Further than that, no attempt had been made to force the subject upon the attention of the House of Commons until the introduction of the present Bill. than which nothing could more fairly raise the question whether the rate of interest should be reduced, or whether it should be, as he believed it ought to be, maintained at its present rate. With reference to the proposed investments,

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he had to remind the House that the security of the Metropolitan Board of Works was a Parliamentary security, inasmuch as Parliament had imposed upon the Board the duty of levying rates to meet their liabilities, and a similar duty would be imposed upon each local authority contracting a debt. A higher rate of interest did not always mean less security; it meant this—that there was not a ready facility for realizing that security; and the object of another Bill before the House was so to deal with securities of this nature that they should become more easily marketable, and therefore obtain a higher value. But the security was as valid and as real as a first mortgage on the whole lands of the country could possibly be. He could not admit the objection with respect to an increase in the burdens of the taxpayer from the creation of Terminable Annuities under the powers of the Savings Banks Bill and the National Debt Bill, for the whole power of the Chancellor of the Exchequer was limited by the amount of charge for the Debt—namely, £28,000,000.

MR. CHILDERS said, he must remind the Secretary to the Treasury that the Bill did not, in the smallest degree, limit the amount of charge for the Debt to £28,000,000. It prescribed £28,000,000 not as the maximum, but as the minimum amount of charge; and if the Chancellor of the Exchequer could do such a daring thing, without intimation to Parliament, as to raise the charge for Debt to £29,000,000, the charge would have to be paid. This question of Savings Banks was one which, at the present moment, was attracting very great attention, not only in this country, but in Europe and the United States of America. We were not the most successful country with regard to Savings Banks. The Austrian Government stood at the head of the nations of Europe in having completed a system of Government Savings Banks which not only received a much larger amount of deposits than any other nation in that shape, but was administered under an admirable, compact, and uniform system, the success of which was so great that even during the financial crisis in Vienna and Hungary no practical inconvenience was felt by the Savings Banks, but a large increase occurred in that department. The attention of the French Government had



during the last year been specially directed to this subject. Their system was an antiquated one, being fettered very much as to the amount of deposit that could be received or paid within a certain time. They had sent over a gentleman to this country who had studied the whole question, and was investigating it minutely both with regard to the Post Office system and the system of Terminable Annuities. This country, therefore, stood, as it were, on its trial with reference to the subject in the face of Europe. Under these circumstances, the Government had introduced a Bill which was of a final and conclusive character. It was a "Reform Bill" for the Savings Banks. If the subject were dealt with by this Bill in a final way, it would be very difficult to make some of those very reforms which were advocated on both sides of the House. What did the Bill propose to do, and how did it propose to accomplish its purpose? It dealt with an antiquated system, under which persons were invited to make deposits of their savings, not with the Government and on its security, but with private bodies of trustees who stood between them and the Government, so that they had only to look to the trustees for their savings, the trustees being bound to act honestly; and so much of the money deposited as was paid by them to the Government the Government was bound to repay with interest, but there was no privity between the depositor and the Government. That should be distinctly understood. The Government was in no way responsible to the depositor. That was the old, antiquated, and very imperfect system. Under that system the Government had allowed to the trustees a larger rate of interest than they could afford to give. As a consequence, the present deficit had accumulated to the extent of something like £3,250,000, for it happened that the time when the money had to be invested was that at which the funds were highest, and the time when it went out that at which they were at the lowest. Now, looking to the occurrence of wars and depression of business, they might calculate upon a commercial crisis every 10 years; and, therefore, if they adjusted their interest so as to produce £3 7s. per cent, or £3 5s. per cent, allowing only 2s. to meet all expenses and losses, a deficit

must be the inevitable result, and it was only wonderful that it was not greater than the amount he had just stated. So much with respect to the old Savings Banks, with their deposits of £40,000,000. As to the new Savings Banks, they had sprung up from nothing to £20,000,000 or £24,000,000 since 1861. This gave the depositor an absolute security for his money. There was no question about the liability of the Government to the trustees, no question about the liability of the trustees to the depositors. There was one liability, and one liability only, and that was the liability of the State to the depositor. The Government was directly liable to him, and must pay him every shilling which he lodged with them. How, then, did the case stand as to the interest allowed? The depositor received nominally 2½ per cent, and practically £2 7s., the result of the working of the system for a certain number of years being that there was an accumulated surplus of £800,000, which was increasing at the present time at something like the rate of £110,000 or £120,000 a-year. Such was the dual system of Savings Banks which the Chancellor of the Exchequer proposed by the Bill to reform. And to what did the reform amount? The Secretary to the Treasury had just stated that at present the Savings Banks accounts were printed on several pages. In the old Savings Banks there was a deficiency of £100,000 a-year, while in the new there was a balance of £100,000; but the accounts of the two, together with those of the Friendly Societies, it was now proposed to print on one page, so that by means of a reform which was not real, but pretended, the three accounts would be lumped together, and all purchases and sales made on a common account, thus rendering it impossible that anyone would be able to ascertain whether the old or the new Savings Banks were paying or not, or to introduce any reform of the accounts. He hoped, however, that that was not the true nature of the scheme of the Government, and that he had failed to apprehend correctly what the Chancellor of the Exchequer intended. Again, the Secretary to the Treasury had informed the House that power would be taken to invest only in the securities of the Metropolitan Board of Works, securities which were, of course, ample—and in those of a certain

number of bodies created in accordance with a general Act of Parliament. But that general Act allowed every public body down to the Poor Law Guardians to raise money in debentures for their own local purposes, and under the present Bill the Treasury would be enabled to take up any amount of those debentures, which stood on a totally different footing from the debentures of railway companies, and which might be termed third-class securities. But, such as they were, these were the only reforms which the Government proposed, and never, it appeared to him, was a more untenable proposal made. He could only describe it as a robbing Peter to pay Paul plan, and if the House would allow him, he would briefly point out what he thought would be the best course to take. He did not know what alterations might be made in this Bill; but he would recommend the Government, in dealing with the old and new Savings Banks, to apply a simple business principle, and, if they had to decide what rate of interest they could afford to pay, to decide it on the same principle as to both—namely, to pay as much as the State could afford to pay in each case and no more. He would get rid of the antiquated system established many years ago, and lay down the same rule for all Savings Banks. It was inexpedient that the security of different Savings Banks should stand on a different footing, and the Chancellor of the Exchequer should go to the working classes and tell them that Parliament wished to see the same system carried into effect throughout. The House had been told of the conditions affecting the old Savings Banks, and it would be necessary to get rid of them. This Parliament would be able to do, if it reduced the rate of interest somewhat in the one case, and raised it somewhat in the new Savings Banks. The Government might wisely add further facilities for investments by the working classes in the Funds. There already existed a power in the Post Office to make regulations for these investments; but the system was a cumbrous one, and the working classes had not availed themselves of it to any considerable extent. He trusted that the House would not lose the opportunity of making considerable alterations in the Bill now before it.

MR. ASSHETON CROSS said, he regretted that, in consequence of Public

Business, he had been unable to hear a portion of the debate on this Bill. He had been asked by the Chancellor of the Exchequer to state that, as he was debarred from answering many of the arguments urged during the debate through having spoken already, he proposed to take the opportunity in Committee, on the Motion that the Preamble be postponed, to reply to some of the objections which had been brought forward. He wished now, on his own part, to say that a great deal he had heard against this measure had filled him with astonishment. There were two classes of Savings Banks. The one, the Post Office Savings Banks had certain advantages of their own. They offered to depositors greater facilities, greater absolute security, because they dispensed with the intervention of trustees, and perfect secrecy. It was also of the greatest advantage to artizans and labourers in the manufacturing districts, who often went from one town to another in search of work, to be able with so much facility to transfer their account from one post office to another, and to withdraw their money when they wanted it. For these advantages they were willing to receive a less percentage than the depositors in the old Savings Banks. But he could not understand why it should appear to be the express object of right hon. and hon. Gentlemen opposite to depreciate as far as they could the old Savings Banks, which had done so much good in the country. They could not dispute that the old Savings Banks had done an incalculable amount of good; and he could not, therefore, understand why their tone should be one of so much hostility to the old Savings Banks, and why they should regard them as two rival systems, one of which must be destroyed in order to make way for the other. The old Savings Banks were paying 3 per cent to their depositors in the large towns, and if these depositors were willing to give up the special advantages offered to them by the new Post Office Banks, he could not understand why right hon. Gentlemen opposite would not allow the old Savings Banks to live as well as the new. They argued that it was impossible for the Government to undertake to pay the trustees of the old Savings Banks  $3\frac{1}{2}$  per cent with safety, because they sometimes had to sell at

low rates and to buy at high rates. The right hon. Gentleman who had just spoken had not, however, taken any notice of the statement of the Secretary to the Treasury that the instances had been very rare, and that no instance had occurred for many years in which the Commissioners had been compelled to sell in order to meet any run upon the old Savings Banks. There was, therefore, very little risk of loss, and the Government could well afford to pay to the working classes who were disposed to give up the peculiar advantages of the Post Office Savings Banks a larger rate of interest upon their investments in the old Savings Banks. If, however, hon. Gentlemen opposite regarded this matter of so much importance, why did they not, during the many years in which they held office, and when they wielded a large and powerful majority, pass a Bill to effect this object? They were perfectly aware of this large loss, and why did they allow it to go on without making an attempt to stop the drain?

MR. LOWE: We introduced a Bill, but dropped it in consequence of the factious opposition it received.

MR. ASSHETON CROSS said, he was perfectly aware of that Bill, but why did not the late Government provide the funds in some form and shape such as was recommended by Mr. Ayrton? Would the right hon. Gentleman tell him why the late Government did not press to a second reading and carry, if they could, a Bill for reducing the rate of interest given in the old Savings Banks? What he wanted to know was why the working men who had put their money into those Savings Banks—as many in his own county had done—were not to receive the higher rate of interest, and why it was to be reduced? The right hon. Gentleman the Member for the University of London (Mr. Lowe) brought in a measure to remedy the state of things which existed when he was in office. Knowing that the people had the choice of putting their money either into the Post Office Savings Banks or the old Savings Banks, the right hon. Gentleman said to them—"If you will keep your money in the old Savings Banks we will reduce the interest, and force the Post Office Savings Banks down your throats." But the people of this country resented the proceeding, and with all the power of the late Government they

did not press their Bill to a second reading. He (Mr. Cross) took an active part in an opposition, which was not factious, but *bond fide*, to the right hon. Gentleman's attempt to take away from the working men of this country the rate of interest to which they had a right. The late Government, therefore, had failed in two points—first, in making up the deficiency which they knew existed; and secondly, in the only remedy which they proposed—namely, to deprive the working men of the rate of interest which they ought to have upon their earnings—a measure to which the country was so decidedly opposed that they did not dare to press the Bill to a second reading. He hoped both the Post Office Savings Banks and the old Savings Banks would long continue to flourish. He believed that they were both equally sound, and could not conceive why these two systems should be placed in antagonism. One man was willing to invest his money at a lower rate of interest on account of certain advantages which one institution offered, while another wished to obtain a higher rate of interest. He believed the State was able to meet the requirements of both, and they were doing great good to the working classes.

MR. LOWE said, he could not help thinking that this case would gain much by being stated in the plainest manner and the fewest words. There must be a right and a wrong in the matter—a good way of conducting Savings Banks business and a bad way—and by way of showing their wisdom they attempted to keep up the system which was in every respect inferior at the expense of the superior system. The old Savings Banks did not give the same security as the Post Office Savings Banks, and the depositor, if defrauded, had no remedy from the Government. But for the depositor in the Post Office Savings Banks there was a complete remedy, and he could not lose a farthing. In the one, as had been very truly remarked, there was a publicity which might sometimes be disagreeable, and in the other there was not. But so superior had the one shown itself that though the interest was lower, it had gained and was gaining on the other, and the wonderful thing was that the whole efforts of the Government were directed to keep down what was admitted to be a good system and to prop up a bad one. He hoped they



would have some explanation why right hon. Gentlemen thought it right to lavish all the means in their power to promote an inferior and discourage a superior system. The Home Secretary had said that it was the right of the working men to have the high rate of interest they now enjoyed. But if that was so, the right was not confined to the working men who put their money into the old Savings Banks—it was just as good for those who deposited their money in the new. He would like to know on what principles the right hon. Gentleman advocated a measure which, so far from giving the depositors in the Post Office Savings Banks the interest to which they had a right, proposed to take away the money from them in order to endow another class of depositors? We were not equal in all respects in this country; but there was no such extraordinary aristocratic privilege connected with one class of depositors compared with another, as to entitle them to plunder the revenues earned from the other and confiscate them to their own use. He would like to know why they ought to pay £3 5s. to those who had money in the old Savings Banks when they could not afford to do so to those who had money in the new? Some four or five years ago, when the late Government found there was a deficiency of some £2,000,000, they brought in a Bill to remedy it. But the old Savings Banks had great influence on the other side—hon. Gentlemen opposite best knew why; the Government had no interest in doing anything except for the benefit of the country, but they soon found they had no chance of passing the Bill. When such subjects was under discussion, hon. Gentlemen went into the Library or elsewhere, and when the division bell rang they came into the House in a body and divided against the measure. The right hon. Gentleman asked him why the late Government had not applied a remedy? The reason was because they found their efforts perfectly useless against the systematic tactics of the Opposition. The Post Office Savings Banks had earned a considerable sum of money, and that money had two legitimate destinations. It might be legitimately employed, either in paying off the National Debt, or in increasing the interest to be paid to the depositors; but why should the one class be plun-

dered in order to enrich the other? Or, if that was to be done, why should it not be done openly? Why not state the accounts, so as to show the surplus on the one hand and the deficiency on the other, and how much of the surplus was carried to the deficit account? That would be the proper thing to do, instead of jumbling up the accounts, and stating in the Preamble of the Bill that it was expedient that those accounts should be kept together. The only expediency in the business was the expediency which always existed when people wished to do wrong and to conceal it. Though it was impossible for the late Government to do what they had attempted, it would be quite easy for right hon. Gentlemen opposite to do it; because Members on that—the Opposition—side would not offer them the same opposition. But there was another thing worse than anything which Her Majesty's Government had proposed, and that was to invest in a certain class of *quasi*-public securities. He could imagine nothing more dangerous or more liable to abuse. Of course, it would be an immense advantage to any local body to get Government to invest in its securities. It would be a piece of patronage of almost boundless value, and they well knew the pressure which would be put on Government to invest in those securities, if it were only to the extent of £1,000. It would become a means of corruption, and must tend to demoralizing results. Numbers of people would start up and claim for the particular railway or other stock in which they were personally interested that they presented as good security as could be found, and that if they were not included within the scope of the measure serious injury must follow. He had no doubt that Members of Parliament would be found to back up claims and complaints of this kind; and in the end the rule might perhaps be so far relaxed as to allow the Government to invest in Indian, Ceylon, Australian, Canadian, American, or even Spanish securities. On the whole, he thought the principle a most dangerous one to be adopted, and one that once adopted could not be departed from. At the present time this country had two Savings Bank systems, one of which was admittedly superior to the other; and he could be no party, in the first place, to cockering up one at the expense of

the other, and then passing laws in order to conceal the fact that they had been acting in a spirit of gross injustice and unfairness. For these reasons, he could not assent to the Bill.

MR. HANKEY said, that the Chancellor of the Exchequer had laid down the principle that Savings Banks money was not held by the Government as any matter of trust; that they held money as representing the nation, and that the nation was bound to refund it whenever called upon to do so. The right hon. Gentleman contended that he was at liberty to invest it within certain limits from time to time. That was a most dangerous doctrine, and it would be much better to cancel the whole of the stocks invested by the Savings Banks at once. If it was a debt owing by the nation, why should not the whole amount be invested in stock, and why should not that stock be cancelled, leaving the Government of the day to refund it whenever it might be required. The Bank of England held a large amount of unclaimed dividends, but they were not allowed to leave it unemployed. They were bound to pay it over at the expiration of 10 years. What was done with it? He believed that stock was cancelled to the whole of the amount, and when it was reclaimed so much more stock must be bought. Why should not the interest of the Savings Bank money be paid every year, and a full statement on the subject be made to Parliament. He did not see the right of any parties to receive a fixed amount of interest. It was desirable to give them as large an amount of interest as possible; but that must from time to time be determined by Parliament. That would be a much better plan than the one proposed by the Chancellor of the Exchequer.

MR. WHEELHOUSE observed, that there was one class of institutions in some danger of being lost sight of altogether, he feared—that was the Penny Savings Banks. He should like to know what was to become of that class of institutions which existed to such a large extent in the West Riding of Yorkshire, if they were to be merged in the Post Office system? He trusted that the system of penny deposits would be allowed to continue, and be encouraged, indeed, because in many parts of the country it had proved very successful in promoting habits of thrift.

There seemed to be some possibility also of overlooking an element about the old Savings Banks, that could never be attained by the new Post Office Savings Bank—namely, the moral influence—if he might so call it—that the trustees and directors could bring to bear upon the class of servants and other *employés* by inducing them to invest and save.

MR. SAMUDA said, he thought it desirable to retain the present system of Savings Banks, and that it would be a great hardship to have to reduce the rate of interest. If the Motion of the hon. Member for Hackney (Mr. Fawcett) should be carried it would be necessary that the rate of interest should be reduced. He thought the proposal to extend the means for investing trust monies was a valuable one, and one which tended in a direction that had been favoured by Parliament for several years past. He would certainly oppose the Amendment.

MR. FAWCETT expressed his satisfaction at the debate which had occurred and begged leave to withdraw his Motion.

Motion, by leave, *withdrawn*.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee.

On Question, "That the Preamble be postponed?"

THE CHANCELLOR OF THE EXCHEQUER said, he was anxious to make a few remarks in reply to the various criticisms that had been advanced against his measure, and which he was precluded from doing while the Speaker was in the Chair. The right hon. Gentleman the Member for the University of London (Mr. Lowe) had put the case against the Bill, as he said, in very plain language—he said they had two systems of Savings Banks in this country, one inferior and the other superior, and the Government were making every effort to promote the inferior and suppress, keep back, or in some way to injure the superior. To that question he could only give the same answer that the Fellow of



the Royal Society made to Charles II. about the fish—"I dispute the fact." He entirely denied that there was anything in this Bill, or in the proposal of the Government, to justify that description. The right hon. Gentleman altogether forgot the moving object for the introduction of this Bill. This was a simple financial question with which the Government had to deal. The right hon. Member for the University of Edinburgh (Mr. Lyon Playfair) said they were dealing with the subject of Savings Banks and dealing with it badly, but they were not dealing with the subject of Savings Banks.

MR. GLADSTONE wished to know whether this was not a complete prolongation of the debate on the Bill?

THE CHANCELLOR OF THE EXCHEQUER apprehended that on the Question that the Preamble be postponed he had a perfect right to discuss the Bill.

MR. GLADSTONE observed, that the right hon. Gentleman was continuing a debate which had occurred in that House.

THE CHAIRMAN said, it was very unusual to discuss the principle of the Bill on the Question that the Preamble be postponed; but as that course had occasionally been taken without any exception being raised, he had not thought himself justified in stopping the right hon. Gentleman from entering upon some explanatory statement. Of course, it was not customary in Committee to enter into any matter in the nature of a reply to arguments on the principle of a Bill.

THE CHANCELLOR OF THE EXCHEQUER said, he would, of course, submit to the Chairman's ruling; but he thought it would be in Order that he should supplement his observations by one or two remarks on a point on which there should be no mistake. He thought it desirable, before proceeding to discuss the details, that they should clearly understand the object of the Bill—that they should not go into a discussion of its clauses under any false impression. He wished, therefore, to state that, in introducing this Bill, the Government did not undertake at all to deal with the general question of Savings Banks reform. That was a very important and interesting question with which it might be very proper at some time to deal; but, at the present moment, they were dealing with a finan-

cial question of importance and difficulty. There was this deficiency which must not be lost sight of. The deficiency had existed for a considerable time. It had gone on increasing, and unless some means were taken to stop it, it would go on increasing. The question, therefore, was—by what means could they stop it? It must not be supposed that this deficiency arose from any impropriety in the present arrangement as to the old Savings Banks. If they could sweep away the past altogether—if they could get rid of the deficiency and begin tomorrow with a clean sheet of paper, treating those Savings Banks on the terms on which they were now treated—there would not be any deficiency in the future, or any difficulty whatever in carrying on the business. It was perfectly true that there would still be falls in the price of stock; but the difficulty in that respect, as the Secretary to the Treasury had pointed out, would no longer exist, inasmuch as there were large sums of money coming every year into the hands of the National Debt Commissioners—owing to the system of Terminable Annuities and to other circumstances—which would enable them to meet any run without having recourse to the sale of securities at a low price. In former years the case was different. If—as he had shown—the present arrangement was one which could be carried on without difficulty or loss, what justice or policy would there be in cancelling the arrangement, and in calling on those Savings Banks to submit to a reduction of interest? The existing deficiency arose mainly from the fact that in former years they paid much too high a rate of interest—namely, £4 11s. 3d. There were also other causes in the past, and no longer existing, which contributed to it. His right hon. Friend the Member for Greenwich (Mr. Gladstone) some years ago made an arrangement by which he paid a certain sum—say, £2,000,000—as a contribution which was intended to put an end to the deficiency, but unfortunately he did not give enough to extinguish it. He left a deficiency still standing, and, of course, it went on accumulating at compound interest. It was said to be a bad system to have the two accounts kept together; but, in point of fact, the two accounts had been kept together all along, and the difficulty in which they found themselves had arisen from their

not having separated the old deficiency from the new system. Government saw a way by the arrangement now proposed to put a stop to the deficiency, and they believed it to be a perfectly fair arrangement. There would be nothing in the new system which would prevent the introduction of improvements with regard either to the one class of accounts or to the other, and similarly there would be no difficulty in ascertaining whether one class of banks was paying and the other not. It had been suggested that the money ought not to be kept in a fund, but ought rather to be applied in cancelling stock. If this were done, however, there would be the objection to which the former state of things was open—namely, that it would become necessary at times to sell stock at unfavourable rates. He hoped the Committee would proceed at once with the discussion of the Bill and make some progress with it. He had said nothing with regard to the new mode of investing funds, for that was a matter which would require a deal of consideration on the part of the Committee. He hoped, however, to show when they came to that point that there would be sufficient safeguards to prevent abuse. If more safeguards were desired, it would be possible to provide them.

MR. GOSCHEN said, that no doubt the Chancellor of the Exchequer would be glad that he was now in a position to answer all the questions which would be addressed to him, for there were many points in this Bill which would require discussion. In his supplementary speech, the Chancellor of the Exchequer had not touched upon the position of Friendly Societies under the Bill. All the explanations which had been given referred to the deficiency under the old Savings Banks; but, besides that, there was a deficiency of £1,000,000 on the Friendly Societies, involving an annual charge of £50,000, and that was a portion of the charge which was to be met by the surplus which arose from the Post Office Savings Banks. It was matter of complaint that those who sat on the Opposition side had not sought to remove the general deficiency. The right hon. Gentleman, however, had admitted that the right hon. Member for Greenwich (Mr. Gladstone) had paid £2,000,000 towards meeting the deficiency, but the present Government did not propose to pay any-

thing towards it. What they proposed was to appropriate the surplus derived through the Post Office Savings Banks to the payment of interest upon the Debt. The Chancellor of the Exchequer had pledged himself to the statement that the interest of £3 5s. per cent was remunerative. Why, then, was no more than £2 10s. to be allowed to the working men who invested in the Post Office Savings Banks, which had not been shown to be more expensive to administer than the old Savings Banks? That could not commend itself to the justice of the Government. Why was one set of depositors to be allowed a higher rate than the two others? The rates of interest ought to be re-arranged, and the whole brought under one system, and he contended the Post Office Savings Banks depositors were entitled to some consideration.

THE CHANCELLOR OF THE EXCHEQUER said, he thought he had already explained the point. When the bargain was made in the first instance with the trustees of the old Savings Banks, they were the only ones then in existence; but when the right hon. Member for Greenwich (Mr. Gladstone) wished to set up the Post Office Savings Banks, he stated his intention to offer £2 10s. per cent interest, and intimated that the Government contemplated that some profit would accrue to the State from the transaction. The right hon. Gentleman had admitted that evening that such a surplus might be applied as was required, and thus, having an available sum, proposed to use it, not for bolstering up the old Savings Banks, but to extinguish a deficiency which was growing against the Government, and must be met. This money confessedly belonged to the State, and he denied that any wrong would be done to the depositors in the Post Office Savings Banks.

MR. GOSCHEN remarked that the right hon. Gentleman had failed to see the distinction that he wished to draw. There was the past and there was the future. With regard to the £800,000 which had already been made, he saw no objection to applying that sum to the diminution of the existing deficiency; but what he wanted to know was, why should the depositors in the Post Office Savings Banks in the future be taxed in order to secure the continuance of the £3 5s.?

THE CHANCELLOR OF THE EXCHEQUER observed, that objections had been made to subsidizing providence, but the right hon. Gentleman would subsidize providence by proposing to give a bonus to depositors beyond what was necessary to induce them to invest their money in the Post Office Savings Banks.

MR. GLADSTONE said, the more they went into this matter the greater the difficulties became, and the more retrogressive appeared to be the course proposed by Her Majesty's Government. His right hon. Friend near him (Mr. Goschen) had made the admission that it might be a legitimate thing to do to apply the £800,000 profits on the Post Office Savings Banks to meet a deficiency in the old Savings Banks accounts. That doctrine, however, he begged altogether to dispute. Its adoption would destroy the whole system of public accounts which had been in operation for the last 40 years—which was, that every account should bear its own responsibilities. In fact, the transfer of the profits of one account to make up the loss on another would be fatal to all good housekeeping. He was, therefore, unable to endorse what had been said on that point by his right hon. Friend, he supposed in a spirit of charity. With regard to the main question, the Chancellor of the Exchequer did not see the real point at issue. The right hon. Gentleman had asserted strongly that in which they entirely differed from him as a matter of fact—namely, that the State could afford to pay £3 5s. per cent of interest to the old Savings Banks depositors, and, at the same time, in some mysterious manner could be secured against loss. If that were so, it was impossible to justify the maintaining of the rate of interest on the Post Office Savings Banks at so low a rate as £2 10s. The right hon. Gentleman set up the plea that what was proposed was a subsidy for providence. A subsidy forsooth! Did the ordinary retail tradesman who sold an article to the public at the lowest price at which he could afford, or if he found he had been charging more than was necessary, and desired at once to accommodate his customers and extend his business, subsidize the public? Their business was to draw the maximum number of depositors, and with that view to give to the thrifty among the working classes every advantage which the State could give without

subsidizing them at the charge of the public. If the propositions of the Chancellor of the Exchequer were correct, he could offer more, and, if he could, he ought. They were told that they were to give the old Savings Banks a higher rate of interest on account of certain disadvantages to which those Banks were at present subject. But why should the public be called upon to make up the difference, and on what conceivable principle could such a demand be based? It was impossible that such a doctrine could be supported, and sustained by sensible and experienced men conversant with such matters. His proposition was that, if the system of Savings Banks conducted by the State be good and sound—and he thought experience showed it to be good and sound—Parliament ought to give it the utmost extension, and the proper way to do that was to endeavour to do more business. There was no justification whatever for paying one class of persons 3½ per cent in order that they might undergo certain disadvantages from which no human being reaped the slightest benefit.

MR. DISRAELI: The question is really very simple, although it has been surrounded with a good deal of mystification. It is simply whether the securities held by two different classes of Savings Banks are the same, or whether they are different, and if so, whether one is superior to the other. There can be no doubt which is the superior system, but this question must not be argued as the right hon. Member for Greenwich (Mr. Gladstone) argues it, as if we had brought forward a measure like this purely as a financial measure. We must bear in mind the circumstances that the Government have had to deal with. There is a deficiency, and it is agreed that this deficiency must be met, and the Chancellor of the Exchequer has brought forward a purely financial plan to meet that deficiency. I cannot conceive that we could take any step more imprudent than to seize such an occasion to enter upon a plan of reforming the Savings Banks of the country. If we were about to start a Savings Banks system for the first time we should no doubt not adopt the principles which were adopted 40 or 50 years ago, and it is not impossible that we might perhaps make propositions even superior to those embodied in

the Post Office Savings Banks system. Nothing, however, can be more important than that people having invested their money under the old Savings Banks system that arrangement should not be disturbed; and nothing could be more unwise than to take this opportunity of a financial arrangement to disturb existing arrangements in which people have trusted and upon which they have invested their money. I can conceive nothing more unwise than to take this opportunity of raising those disturbing ideas and principles that the right hon. Member for Greenwich has circulated to-night. The discussion certainly has done no harm, I think, to the views of the Government, because the principles which were hotly contested in the beginning of the evening have been, it seems, rather imprudently and injudiciously admitted by the right hon. Gentleman the Member for London (Mr. Goschen). The right hon. Gentleman the Member for the University of London had previously made the same admissions—[Mr. Lowe: No!]  
—and I am surprised that the right hon. Member for Greenwich did not take that opportunity of remonstrating with his recreant Colleague. Under the circumstances, however, we do not propose to continue the discussion to-night, and I think that it would be for the convenience of Public Business that you, Sir, should report Progress—that is, after the Motion that the Preamble be postponed has been agreed to.

MR. FAWCETT, complaining that no opportunity had been given for any discussion on the second reading, in consequence of the Bill being hurried through at 1 o'clock in the morning, opposed the postponement of the Preamble on the ground that other Members might wish to speak on the principles of the Bill.

*Preamble postponed.*

MR. FAWCETT said, he hoped the Government would fix the resumption of the debate on a day when an opportunity would be afforded to hon. Members to discuss the Bill fully.

MR. LYON PLAYFAIR asked the Government to accede to the suggestion of the hon. Member for Hackney.

MR. DISRAELI would not say the request was reasonable, but it was not unreasonable, and he would endeavour to meet the wishes of the hon. Member.

He was told, however, that the second reading had been agreed to before 9 at night.

MR. GLADSTONE asked when the Bill would be taken again, and observed that the debate had been really one on the second reading.

MR. DISRAELI said, he could not yet fix the day, but time would be given.

MR. FAWCETT assured the right hon. Gentleman that the second reading took place at half-past 12 at night, and not at 9 as he stated. That he knew from his own personal knowledge, because he moved the adjournment of the debate, and would have divided had not the House been nearly empty.

MR. W. H. SMITH said, the hon. Member was quite right, and the mistake was made by him.

Committee report Progress; to sit again *To-morrow*.

#### PARLIAMENT—BUSINESS OF THE HOUSE.—QUESTION.

THE MARQUESS OF HARTINGTON asked when the National Debt (Sinking Fund) Bill and the Local Authorities Loans Bill would be taken, as they were most important measures?

MR. W. H. SMITH said, to-morrow.

MR. GLADSTONE said, the National Debt Bill was a most important measure, and ought not to be brought forward at an uncertain time. It was contrary to precedent to put it down after Supply.

THE CHANCELLOR OF THE EXCHEQUER said, of course it would not be taken at a late hour.

THE MARQUESS OF HARTINGTON said, the Bill ought not to be put down so that they would not know whether the discussion would come on or not.

MR. CHARLES LEWIS said, this was a most important Bill, and as there had not been any discussion on the objects and principles of the Bill on the second reading, he hoped the Government would not hurry in into Committee.

MR. CHILDERS asked the Government to take it on a day when they could put it down first on the list.

THE CHANCELLOR OF THE EXCHEQUER said, that after the remarks which had been made the Bill would not be taken to-morrow.



## LOCAL AUTHORITIES LOANS BILL.

(Mr. Chancellor of the Exchequer, Mr. William Henry Smith.)

[BILL 123.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That this House will, To-morrow, resolve itself into the said Committee."

MR. FAWCETT said, he hoped the Bill, which was also one of importance, would not be taken to-morrow after Supply.

THE CHANCELLOR OF THE EXCHEQUER said, he could not put down all the Bills first on the list.

Amendment proposed, to leave out the word "To-morrow," in order to insert the words "upon Monday next,"—(Mr. Fawcett,)—instead thereof.

Question proposed, "That the word 'To-morrow' stand part of the Question."

THE MARQUESS OF HARTINGTON said, it would be much more convenient to have a proper time fixed when the Bill could come on.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped that the Bill might be reached in ample time to-morrow for discussion.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Committee *deferred till To-morrow*.

## PUBLIC HEALTH (re-committed) BILL.

(Mr. Sclater-Booth, Mr. Clare Read.)

COMMITTEE. [*Progress 25th May.*]

Clauses 199 to 210, inclusive, *agreed to*.

Clause 211 (Inspection of poor rate books for purposes of assessment).

MR. GOURLEY moved to add a subsection, giving the Local Boards in cases where there was no assessment by which the annual value would be estimated the power to make assessments.

MR. SCLATER-BOOTH said, he could not consent to the Amendment, which would, he considered, be a retrograde step.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Remaining clauses *agreed to*.

Bill *reported*; as amended, to be considered upon *Monday next*.

## POLICE EXPENSES BILL.

Resolution [May 25] *reported*, and *agreed to*:—Bill *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. Secretary CROSS.

Bill *presented*, and read the first time. [Bill 187.]

## GOVERNMENT OFFICERS SECURITY BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to repeal the Act of the thirtieth and thirty-first years of Victoria, chapter one hundred and eight, intituled "An Act to provide for the Guarantee of Persons holding Situations of Trust under Government by Companies, Societies, or Associations," and to make other provision in lieu thereof, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented*, and read the first time. [Bill 188.]

## LUNATIC ASYLUMS (IRELAND) BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to amend the Laws relating to Private and District Lunatic Asylums in Ireland, *ordered* to be brought in by Sir MICHAEL HICKS-BEACH and Mr. SOLICITOR GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 189.]

## LINEN, HEMPEN, AND OTHER MANUFACTURES (IRELAND) BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to make certain temporary enactments relating to Linen, Hempen, and other Manufactures in Ireland perpetual, *ordered* to be brought in by Sir MICHAEL HICKS-BEACH and Mr. SOLICITOR GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 190.]

House adjourned at a quarter after One o'clock.

## HOUSE OF LORDS,

Friday, 28th May, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—

Metalliferous Mines\* (106); Pier and Harbour Orders Confirmation (No. 3)\* (107); Endowed Schools Act (1868) Continuance\* (109); Bishopric of Saint Albans (108); Sale of Food and Drugs\* (112); Public Stores\* (110); Railway Companies\* (111); Matrimonial Causes and Marriage Law (Ireland)\* (117); Justices (Dublin)\* (118); Military Manœuvres\* (115); Post Office\* (116); Glebe Loan (Ireland)\* (114).

*Second Reading*—General School of Law (90); Inns of Court\* (89); Falsification of Accounts (93).

*Committee—Report*—Seal Fishery (Greenland)\* (80).

*Royal Assent*—Regimental Exchanges [38 Vict. c. 16]; Sea Fisheries [38 Vict. c. 15]; Peace Preservation (Ireland) [38 Vict. c. 14].



## VIVISECTION.

## A ROYAL COMMISSION.

In reply to Lord HENNIKER, THE DUKE OF RICHMOND stated that, as had been already announced in "another place" by his righthon. Friend the Home Secretary, the Government proposed to issue a small Royal Commission, with a view of obtaining information with reference to the subject of vivisection. Without such information as the Commission was calculated to obtain, he thought legislation would be premature.

LORD HENNIKER said, that as it was the intention of Her Majesty's Government to appoint a Commission on the subject, he thought it would be for the convenience of the House and the Government if he stated the course he proposed to pursue with respect to his Bill. He regretted Her Majesty's Government should have thought it necessary to appoint a Commission, for he thought they had ample information already; but, as the Government deemed it to be necessary, and in the face of the circumstances that the Prime Minister had, as it were, pledged himself to the appointment of a Commission, that this proposal had met with unanimous approval in "another place," and that the subject was, in some respects, a new one, he did not think it would be possible for him to do less than to postpone action in the matter. He would therefore put off the second reading of his Bill for a month, with a hope that it might then be possible to know to some extent the result of the inquiry; and, if not, their Lordships might be sure he should do his best to consider the convenience of the House when the proper time arrived.

## SLIGO, LEITRIM, AND NORTHERN COUNTIES RAILWAY BILL—PREFERENCE STOCK.

Order of the Day for the House to be put into Committee, read.

LORD REDESDALE said, that this Bill had come before the House as a Private Bill; but he had thought it his duty to remove this Bill from the usual place occupied by Private Bills on their Lordships' Notice Paper. There were

exceptional circumstances in connection with it, as introduced, involving a principle of great importance in railway legislation, which rendered it desirable that it should be considered by a Committee of the Whole House, as if it were a Public Bill. The question involved was, in a word, whether the promoters of a Railway were to be allowed to issue preference stock in their first or original Bill. That was what the promoters of the Bill now before their Lordships asked to be allowed to do, and which had never hitherto been granted. On the one hand he did not like, as Chairman of Committees, to give his sanction to a Bill containing such a provision; but, on the other hand, he did not like to take upon himself to reject a Bill to which there was no opposition, and which was represented to be one of some importance to the North of Ireland. The promoters asked for borrowing powers to the extent of one-half of their subscribed capital, which would be the first charge on the line. The landowners of the districts through whose land the line would pass had guaranteed a sum of £39,300 towards its construction, and £33,500, had been guaranteed by the baronies through which the line was to pass. The spirit and liberality of the landowners and of the baronies was very creditable; but he could not overlook the very serious objection to the proposal of the promoters to raise £50,000 by the issue of "preference stock" to come next after the borrowed capital, and before the two other capitals referred to. This was a complete departure from the rule usually observed of not giving power in an original Bill for the issue of preference stock. He believed that if the provision were sanctioned the result would be that none of the ordinary stock of the Company would be taken up, and that the promoters would have to come to Parliament for pre-preference stock or further borrowing powers, such securities necessarily taking precedence over the stock to be issued as preference under this Bill, and which the holders would consequently have been induced to subscribe under a deceptive title. He thought the principle involved in the provision was a vicious one, and likely to form a dangerous precedent.

THE EARL OF MORLEY begged their Lordships to remember that the Bill

came before them as an unopposed one, and that consequently, instead of having been sent to a Select Committee, it had been only subjected to the ordeal of the Committee of the noble Lord the Chairman of Committees. Their Lordships would see that the only persons who could be injured by the provision to which the noble Lord had drawn attention, were the landowners and baronies who had guaranteed £72,800 of the whole capital. As one of the landowners who had subscribed to the guarantee money spoken of by the noble Lord, and as the representative of those landowners, he thought he might assure their Lordships that the evil anticipated by the noble Lord would not arise; they were, however, quite willing that the provision in question should be introduced into the Bill. They were, therefore, fully aware of their obligations. Without such powers as were given in the Bill it would be impossible to make the railway; for such was the difficulty of raising capital for the construction of railways in Ireland, that without some kind of collateral guarantees, the capital could not be raised at all. There could be no danger of introducing this as a precedent for English railways, for the system of personal guarantees was neither known nor required; whereas, in Ireland, unless it were authorized, railway enterprise would come to a stop.

THE EARL OF LEITRIM gave his decided opposition to the Bill. There was no principle in it; it was got up in a most objectionable manner, and was a gross job.

THE LORD CHANCELLOR said, this was an opportunity for doing an act of national importance in Ireland. The object of the Bill was not to authorize the construction of a speculative railway, but one that was required by the necessities of the district, its purpose being to form a connecting line between two systems of railways; but, from its nature, it was one which could not be done in the ordinary way. To meet the difficulty a course had been taken highly creditable to the neighbourhood through which the line would pass,—but to which we were not used in England—namely, to guarantee a certain amount of the capital required. There would be a preference capital of £50,000 at 5 per cent, and then a £70,000 guaranteed capital by the landowners of the

district. If anybody was to be prejudiced by the first preferential charge it would be the landowners of the country: they were satisfied with the arrangement, and they asked Parliament to sanction it. He knew that his noble Friend the Chairman of Committees looked with horror on a proposal to issue preference stock in pursuance of powers given in a first Bill; but what reason or principle was involved in that doctrine, he (the Lord Chancellor) had never been able to see. If persons with their eyes open chose to enter into such arrangements, he saw ground why they should be prevented from doing so.

THE EARL OF ENNISKILLEN believed this railway would be a benefit to Ireland, and in that belief he had guaranteed a certain sum of money.

THE EARL OF BANDON approved of the principle of guarantees, and mentioned instances of its useful application in the South of Ireland. He should support the Bill.

LORD WINMARLEIGH said, that he objected to the principle of guaranteed capital; but from the peculiar circumstances of Ireland, he was afraid that English capital would not flow into Ireland for the construction of railways without it. Seeing therefore that the proposals of the Bill were necessary in Ireland, he should not oppose it.

LORD REDESDALE replied that his objection remained still unanswered—namely, how, in the face of such a provision as that to which he called their Lordships' attention, the Company could raise the remaining £72,200 of ordinary capital. He was convinced if this Bill passed, the promoters would have to come to Parliament in a year or two for pre-preference stock or extended borrowing powers, and that the holders of the preference stock and the guaranteeing landowners and baronies would all find themselves deceived as to the position in which they would have been led to consider themselves placed by this Bill.

THE DUKE OF MANCHESTER said, he thought that it would be unnecessary to do; so he believed the line would be constructed with the preference and guaranteed capital.

LORD REDESDALE: Then why ask for more?

LORD WAVENEY objected to the Bill as involving exceptional legislation, but intimated that under the circumstances

in which it came before Parliament, he should offer no opposition to it.

House in Committee accordingly.

Amendment made ; the Report thereof to be received on *Monday* next.

#### GENERAL SCHOOL OF LAW BILL.

(*The Lord Selborne.*)

(NO. 90.) SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR said, that as both that Bill and the Inns of Court Bill had been before the country for some weeks, he had been much surprised to find that neither to himself individually, nor, so far as appeared to any Member of their Lordships' House, had any communication been made of the views of the four Inns of Court with regard to the proposed legislation. As the two Bills had an intimate relation to each other, and both stood on the Paper for the second reading that evening, he would refer to both measures. As to the Inns of Court Bill, he had no reason whatever to object to it. Last year, when his noble and learned Friend (Lord Selborne) introduced a Bill of a somewhat similar description, he stated the objections he had to that measure. He told his noble and learned Friend that he would have preferred a Bill which dealt with the Inns of Court somewhat after the manner in which the Colleges and the Universities had been dealt with—namely, that the Inns of Court should be required and empowered to make statutes for their own regulation as places of learning and discipline ; and that, if they failed to prepare such statutes as should be approved of by the Queen in Council, Commissioners should be empowered to frame statutes for that purpose, which should be binding on them. Now, that was the course proposed in the Inns of Court Bill which his noble and learned Friend had now before their Lordships' House ; and he was bound to say that, whether, speaking in his official character, or as a Member of their Lordships' House, or a Bencher of one of the Inns of Court, he thought the Bill was a desirable one, and that it ought to receive the assent of Parliament. He said that, reserving to himself at the same time the right to make some objections as to certain points

of detail, as to which he thought alteration necessary. But as regarded the other Bill—the General School of Law Bill—he could not go so far. He held, and he must repeat, that it was not the business of Parliament, or of the State, to create or constitute a school for the teaching of Law. Probably his noble and learned Friend would say that if their Lordships would look at the Bill, they would find that he proposed only that there should be an Examining Body in the first instance, and that there was to be a teaching body only in certain events—that was to say, when sufficient funds could be obtained for the purpose. But when he found that the Bill was entitled one to establish a School of Law in London, he (the Lord Chancellor) must say he did not know the meaning of words, unless it meant an institution in which Law was to be taught. He thought the State should do in the case of the legal profession what it did in that of the profession of Medicine—establish an examining tribunal, through which it took security that there should be a standard which must be reached by all candidates before their admission to the profession. At present, we had the four Inns of Court for those who proposed to go to the Bar, and we had the Incorporated Law Society for those who intended to become attorneys and solicitors. In his opinion, those bodies required to be supplemented by an Examining Body, which should provide a standard of examination, such as should give security that the teaching in the subsidiary institutions should be of a kind adequate for those who were to be admitted into these professions. If they established a new body as a teaching body, they would put a check upon the rivalry which existed with the existing bodies where Law was taught, and which might have the effect of condemning the existing education. The Bill pointed to a teaching institution of some kind, but its provisions did not point out with sufficient clearness how it should be done. He had no desire to oppose the second reading of a Bill that was intended for so excellent a purpose as was in his noble and learned Friend's mind ; but he thought it would be better to confine it to a much more moderate proposition—that of establishing an Examining Body, such as existed with regard to Medicine and Surgery. Whether such

a body should be called an Examining Council or a Legal University was a matter of no importance — but, he thought, that the Bill proposing, as it did, to institute a General School of Law, contained a much too ambitious project. He would not, however, oppose the second reading.

Moved, "That the Bill be now read 2<sup>a</sup>."  
—(*The Lord Selborne.*)

LORD HATHERLEY thought that the necessity for a separate School of Law would depend very much on how the Inns of Court Bill was worked; but he was also of opinion that it would not be amiss to have by the side of the Inns of Court a body established by Act of Parliament which could take a part in the promotion of any scheme for the promotion of legal education. He was happy to say there was a growing feeling in favour of means being afforded to young men who did not intend to practise at the Bar, whereby they might obtain a good practical knowledge of the laws of the country. It was highly desirable that there should be an adequate knowledge of the Law among those classes who might be called upon to perform the duties of country magistrates, or of municipal officers; and it was a significant fact that several officers of the Army had got called to the Bar with the view of fitting themselves for the discharge of their duties on courts-martial. Examination had not had the effect of deterring gentlemen from presenting themselves for call who did not intend to practise. For those who did intend to practise he should wish to see the application of a uniform and complete system of legal instruction and examination.

LORD SELBORNE said, he was gratified at the manner in which his two Bills had been discussed by his noble and learned Friend on the Woolsack. As to the General School of Law Bill, he was happy to find that his noble and learned Friend, though not assenting to all its proposals, would not oppose the second reading:—and as to the other Bill, the Inns of Court Bill, it was still more satisfactory to him to find, that his noble and learned Friend quite approved the course proposed to be taken. Under these circumstances, he had good hopes that these measures would, either in their present, or in some modified form, at no

distant period become law. He need hardly say that nothing could be further from his mind than the wish to take any course which would be hostile or in any way unfriendly to the Inns of Court. Like his noble and learned Friend, he had the honour of belonging to the Governing Body of one of those institutions. Although he had a strong opinion that those great societies were not all that they might be, and ought to be, for effectuating the objects for which they existed, yet he was disposed to hold them in honour—he desired that every good should happen to them, and to that end he sought to enable them to do all that was required of them in the best possible manner. He thought that those were the best friends of institutions who wished to see their public utility enlarged. This was his object with respect to the Inns of Court. As to the next stage of both his Bills, he would fix an earlier day for the Committee on the Inns of Court Bill than that for the Committee on the Bill now before their Lordships' House. He was glad that he found himself, so far as he did, in agreement with his noble and learned Friend on the Woolsack; and he regretted when he found that their views differed as to one important part of this Bill. He could not acquiesce in what his noble and learned Friend had said against the teaching clause of the Bill, and against the title of a General School of Law, if it was not to be a Teaching Body. The Inns of Court had been likened to Colleges; but it should be remembered that they were not at present bound together by any common connection—they were not members of any general organization in the nature of a University. The Incorporated Law Society, which represented another and most important branch of the legal profession, was also a separate institution. The Committee of the House of Commons which a good many years ago inquired into the entire subject, more especially as regarded the Inns of Court, recommended that they should be united into a Legal University; and the Royal Commission which afterwards sat made a similar recommendation; and his noble and learned Friend (the Lord Chancellor) had himself expressed concurrence in that view. But the larger institution—that which was to be in the nature of an University—was an institution which must be

*The Lord Chancellor*



created, for it did not now exist; and if it were created he hoped it would extend to, and embrace, the Incorporated Law Society—and the mode in which, as it appeared to him, that could best be done, he had attempted to embody in the General School of Law Bill. His noble and learned Friend, however, thought it would be better to confine such an institution—though he would still call it a University—to the duty of examination, and not extend its powers to the office of teaching. He did not agree with his noble and learned Friend on that point; but if such should be their Lordships' view also, there really was nothing in the provisions of the Bill or in its title which need stand in the way of giving effect in Committee to the suggestion of his noble and learned Friend. The title, it was said, implied teaching. On the contrary, he ventured to say that the title "General School" no more implied teaching than did the title "University." The University of London, for example, was an examining body and did not teach. The phrase "General School" or *Schola Generalis* was merely the ancient name for what we now called a University: the original meaning of the word "University" being identical with that of the modern word "Corporation." But why should there not be teaching in the General School, as well as in the Inns of Court? The argument against it seemed to him to rest on misconceptions. It was no part of his proposal that the State should teach Law. If the School were founded, professors and lecturers would only be appointed when funds and endowments came in—the Crown would have a voice in the nomination of some members of the Senate, but would have no further power. The Bill, too, did not propose, for the purpose of calls to the Bar or any other purpose, to compel students to attend a single lecture in connection with the School of Law. All that was sought by it was to provide means by which, when funds were forthcoming, a system of Academical teaching of Law might be established. The Inns of Court and the Incorporated Law Society had, no doubt, each a system of teaching; but, with respect to the teaching at the Inns of Court, he could not speak of it as efficient. The attendance of students at public lectures and private classes had fallen off

in an extraordinary manner, and he thought their Lordships would agree with him that at least no harm could be done by rendering it possible by some general organization to make the system of teaching Law larger, more liberal, and less exclusive than it was at present. He believed that all persons who had recorded their opinions on the subject, and who had studied it in a manner which entitled them to speak with authority had said, that Law might be, and ought to be, taught upon scientific principles and in a more liberal manner than had been the custom—at least in modern times—in this country. He wished to see that done, and had made the proposals contained in the Bill with that view. At the same time, if their Lordships concurred with his noble and learned Friend that the establishment of a mere Examining Council was preferable, he confessed he would rather see that opinion given effect to, than that things should be allowed to remain as they were at present; although he should regret the loss of that which he considered by no means the least important part of his own proposal.

Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Tuesday the 8<sup>th</sup> June next.

Then—

INNS OF COURT BILL read 2<sup>a</sup> (according to Order), and committed to a Committee of the Whole House on Tuesday the 8<sup>th</sup> June next.

#### SEAL FISHERY (GREENLAND) BILL.

(The Earl of Dunmore.)

(NO. 80.) COMMITTEE.

Order of the Day for the House to be put into Committee, read.

THE EARL OF DUNMORE said, that, owing to the lateness of the hour when the Bill came on for a second reading, he had postponed the few remarks he proposed to make until to-day. The object of the Bill was to establish a close time in the seal fishery in the seas adjacent to the Eastern Coast of Greenland, without which it was the general opinion that those animals would altogether cease to exist. The origin of the Bill, which had come up from the House of Commons, was this—The attention of the Board of Trade had been repeatedly



called to the murderous manner in which the seal fishing was conducted in Greenland and the adjacent seas. From the accounts given in the public journals, and from reliable evidence which had been taken on the subject from ship-owners and captains of vessels employed in the trade, it appeared that there were about 60 ships engaged in the fishery, hailing from England, Germany, Norway, Sweden, and Holland. The practice had been to commence fishing about the month of March, when the breeding seals were killed in great numbers. The newly-born seals were then left motherless, and consequently died of starvation, and unless some steps like those proposed in the Bill were taken in the matter to obtain a close time for seals, there was every reason to anticipate an ultimate extinction of the species and the consequent annihilation of a most profitable branch of industry. The matter had been brought before Her Majesty's Government by the Swedish Government, and the accounts which had appeared in this country were fully corroborated by a despatch from Her Majesty's Minister at Stockholm, and also by the almost unanimous opinions of persons engaged in the trade. He would read a short extract, dated Christiania, August 19, 1874, enclosed by Her Majesty's Minister at Stockholm, in his despatch. He said—

"Ever since the month of May, when our seal fishers began to return, negotiations have been going on, though hitherto without result, between our different shipowners, with a view to some understanding being come to as to postponing the opening of the seal fishery for one month later than is now the practice. The captains give heartrending descriptions of the manner in which the fishing was conducted this year, owing to its having commenced too soon—namely, at the close of March. There was this year a good prospect of all the vessels being able to return full. Thousands of pregnant female seals were to be seen swimming about preparatory to giving birth to their young on the ice over the shoals frequented by the shrimps, on which the seals principally subsist. But the vessels were lying in wait, and such a destruction commenced that after the lapse of three days the fishing was utterly destroyed, and thousands of young seals were heard crying piteously after their slaughtered mothers. The young seal is worthless until it is three or four weeks old. If the fishing is conducted in this manner for a very few years more the seals will be utterly exterminated."

The steps which the Board of Trade had taken in the matter were described, and the Correspondence which had passed

was given in a Parliamentary Paper in the hands of their Lordships. The Board had expressed their opinion that the best recommendation they could give was that the object in view—namely, the protection of the seal fishery—might be obtained by the introduction of a Bill framed on the principle of several recent Acts, giving Her Majesty power by an Order in Council to prohibit the killing of seals within certain geographical limits before a certain date in each year; such powers to be only exercised if Her Majesty was satisfied that other nations fishing in the same waters had made, and would enforce, similar arrangements with respect to their own fishermen. The Bill in its present shape had been approved by the Foreign Office, and had passed through the other House of Parliament without Amendments. He therefore hoped their Lordships would see fit to give it an equally free passage through that House.

House in Committee accordingly; Bill reported without Amendment; and to be read 3<sup>a</sup> on *Monday* next.

#### FALSIFICATION OF ACCOUNTS BILL.

(*The Marquess of Lansdowne.*)

(NO. 93.) SECOND READING.

Order of the Day for the Second Reading, read.

THE MARQUESS OF LANSDOWNE, in moving that the Bill be now read the second time, said that its object was to amend the law so as to punish the falsification by clerks, officers, servants, and others, of their employers' accounts and documents; and for that purpose it declared that any such person who wilfully and with intent to defraud should destroy, alter, or mutilate any such books, writings, or documents, or should make false entries, or otherwise falsify them, should be guilty of a misdemeanour, and be liable to penal servitude for seven years, or to two years' imprisonment, with or without hard labour. As an example of the necessity for such legislation, he might instance a recent case, where the manager of a large banking firm, being in difficulties, transferred the money of a client to his own account. A prosecution was instituted, and the case was clear, but a conviction was impossible. Similar cases had occurred before, and the present Bill, which had obtained the

*The Earl of Dunmore*

assent of the Law Officers of the Crown, and had passed the other House without amendment, would, it was hoped, prevent these offences.

Motion *agreed to*; Bill read 2<sup>d</sup> accordingly, and *committed* to a Committee of the Whole House, on *Monday* next.

#### GEOGRAPHICAL EXHIBITION AT PARIS.—QUESTION.

LORD HOUGHTON, in rising to ask the Secretary of State for Foreign Affairs, Whether it was the intention of Her Majesty's Government to send a Commission to the Geographical Exhibition at Paris? explained that he was informed that it was proposed in August next that there should be an important Exhibition in Paris of all objects connected with Geography—including maps, representations of forests and mountains in various parts of the world, and everything connected with the science and practice of Geography. Although the project did not emanate from the French Government, it had a certain public character, and they had allotted a spacious building, part of the Palais de l'Industrie, for the exhibition of the various articles proposed to be sent. It was hoped that the Congress would be attended by all the eminent geographers and travellers from the different countries of Europe, and that considerable good would result from the meeting together of men who had gone through different adventures, and were able to communicate to each other the result of their travels. It was hoped that a number of men of science would also be present, who would be able to communicate on all those matters which occupied the border-land between Science and Geography. The French Government intimated a desire that the Governments of other nations should appoint certain Commissioners whose duty should be to represent officially the different countries, and who should also superintend with care the different objects which those countries might exhibit. The matter had of course come under the attention of the Royal Geographical Society, of which he had the honour to be a member, and the merits of which were fully recognized by the Government and people of this country. That society would probably send over some one as their

delegate and representative; but it would be difficult for any such person delegated by a private Society to take upon himself an official character which would give him the authority and right to represent this country at the Exhibition. The Royal Geographical Society had thought it right to devote a sufficient portion of their funds to that purpose; but still it would hardly be consistent in a delegate of the Royal Geographical Society to accept a *quasi*-official position. He wished, therefore, to ask, Whether Her Majesty's Government had any intention of sending over to Paris any person who should represent the English Government as Commissioner at the Exhibition, and who should receive such remuneration as might enable him to perform those functions without involving any pecuniary expense on his part? It would not be necessary to allow any large sum for this purpose, beyond travelling expenses and such moderate outlay as was required by the duties he would have to perform. He believed that every other important country of Europe had come to the determination to send a Commissioner to represent it; and that the proposition had been accepted by the French Government was evident from the fact that all official communications relating to the Congress were to come through some official person. He hoped that Her Majesty's Government would think that some small outlay for this object was justifiable, seeing that the Congress was not only of great scientific interest, but also because of its bearing upon the interests of commerce.

THE EARL OF DERBY: In answer to the Question of the noble Lord, I ought, perhaps, to explain that the project of this Geographical Congress and the Exhibition connected with it originated in the first instance, not with the French Government, but with the French Geographical Society. The French Government have supported the scheme, but they have never given it an official character; and in the first instance the French Government did not take any active part in support of it. What happened was this—The President of the French Geographical Society in August last applied to Her Majesty's Government for the appointment of a Special Commissioner to attend the Congress. That application was con-

sidered by the various Departments concerned, and it was not thought advisable to comply with the request ; partly because it did not proceed from the Government of that country, but from an unofficial association—although, no doubt, very important and useful one — and partly because international exhibitions of this kind have greatly multiplied of late years, and it was thought that a growing disinclination had been shown in “another place,” when questions of finance are considered, to vote the money for these frequently recurring Exhibitions. Further communications passed, and a few days since it was intimated by Her Majesty’s Government to the Royal Geographical Society, that they would be prepared to name any person whom the Society might recommend, but on the understanding that no expense should be incurred by the public for the purposes of the Exhibition. The Royal Geographical Society considered that proposal, and informed the Government that they were not in a position to accept it. They have, however, determined to send a delegate to the Congress on their own part—and having been for many years a member of that Society and very much interested in its proceedings, I am bound to say that a better representative of the Royal Geographical Society could not have been selected.

LORD HOUGHTON said, that the Geographical Society could not take charge of the maps and valuable articles which would be sent for exhibition by a large number of persons, and he was afraid if the noble Earl persisted in his intention not to give any assistance, there would be no person to take charge of the English department at the Exhibition, and that would amount to a practical exclusion of England from the objects of the Exhibition.

THE EARL OF DERBY said, he did not think he was quite the person who was in a position to give an answer to such an appeal. If pecuniary assistance was required, the noble Lord might make a representation of the fact to the Chancellor of the Exchequer, by whom it would receive fair consideration. He had stated the decision of the Government upon all the questions which up to that time had come before them.

House adjourned at a quarter before  
Seven o’clock, to Monday next,  
Eleven o’clock.

*The Earl of Derby*

## HOUSE OF COMMONS,

*Friday, 28th May, 1875.*

MINUTES.] — SELECT COMMITTEE — *Report* —  
Corrupt Practices Prevention and Election  
Petitions Acts [No. 225.]

PUBLIC BILLS—*Second Reading*—Increase of the  
Episcopate [110], *debate adjourned.*

*Considered as amended*—Public Health (Scotland)  
Provisional Order Confirmation (No. 3) \*  
[167].

*Third Reading*—Intestates Widows and Children  
Act Extension \* [132], and *passed.*

*Withdrawn*—Experiments on Animals \* [163].

POST OFFICE—IRISH MAILS—DELAY  
AT LIMERICK JUNCTION.

### QUESTION.

MR. MOORE asked the Postmaster General, Whether he is aware that the mails for Tipperary, Clonmel, and Waterford, which leave Dublin at 9 a.m., and which include the English mails, are delayed at Limerick Junction for the space of half an hour ; whether he will inquire if there is any sufficient reason for such delay ; and, whether some such acceleration might not be adopted in favour of these towns, as was recently adopted in the case of Limerick ?

MR. W. H. SMITH : Sir, the Postmaster General has placed himself in communication with the railway company with the view of ascertaining whether the delay at Limerick Junction to which the hon. Member refers can be got rid of without inconvenience to the passenger traffic. The Post Office has, I am told, no power to alter the hours without the consent of the Company.

### THE TICHBORNE TRIAL.

#### QUESTION.

MR. WHALLEY asked the Secretary of State for the Home Department with reference to the Petition addressed to Her Majesty and referred to him, as also affidavits and other documents and correspondence relating to the Tichborne Trial which he has considered it expedient should not be printed, Whether he will afford facilities for the inspection of the same by Members of this House who may be desirous of becoming further informed as to such Petition, documents, and correspondence ?

MR. ASSHETON CROSS : Sir, in answer I have only to say that, putting out of the question, of course, the hon.

Member himself, who knows all about it, and probably a great deal more, I have not heard even a rumour that there are any Members of this House who are desirous of becoming further informed as to the "Petition, documents, and correspondence" relating to the Tichborne Case, and therefore it is not my intention to swerve from the rule which I have hitherto observed, not to make the smallest difference in this case from any other which comes before me.

MR. WHALLEY asked for an explanation of the words that he "knew all about it and a great deal more." ["Order, order!"]

PARLIAMENT—ARRANGEMENT OF  
PUBLIC BUSINESS.  
QUESTION.

MR. NEWDEGATE asked Mr. Chancellor of the Exchequer, Whether he will consent to put down amongst the Orders of the Day, that of Ways and Means, so as to enable him (Mr. Newdegate) to proceed with his Bill?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that he saw no present necessity for taking that course; and he was not then prepared to say when it was likely he should do so.

In reply to Mr. FAWCETT and Mr. WHITWELL,

THE CHANCELLOR OF THE EXCHEQUER said, with regard to Orders on the Paper for that evening, that he proposed to postpone the Customs and Inland Revenue Bill, which had to be considered, as amended, till Monday, when it would be proceeded with, together with the Friendly Societies Bill if possible; and to take the Committees on the Savings Banks Bill, National Debt (Sinking Fund) Bill, and Local Authorities Loans Bill on Thursday next, although at present he could not be quite sure whether it would be possible to proceed with them on that day.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

UNREFORMED BOROUGH CORPORATIONS.—MOTION FOR PAPERS.

SIR CHARLES W. DILKE, in rising to call attention to certain unreformed

Borough Corporations of England, and to move an Address for—

"A List of Municipal Corporations (England and Wales) which are not incorporated under the Act 5 and 6 Will. IV., c. 76, showing with respect to each, in a tabular form, the amount of revenue at the date of the inquiry held in 1835; for Copies of the Petition of the inhabitants of Woodstock to Her Majesty in Council in 1867; of any Correspondence between the chief constable of Oxfordshire and inhabitants of Woodstock relating to charges made in 1874 or 1875 against the landlord of the 'King's Arms' at Woodstock for breaches of the Licensing Act, which charges resulted in the conviction of the said landlord, then and now Mayor of Woodstock, on January 18, 1875, for the said offence; and, of the Petition of the inhabitants of New Romney to Her Majesty in Council in 1869."

said, that it was of course well known to everyone that, before the passing of the Municipal Corporation Act, there existed in England a vast number of close borough Corporations possessed of property, but many were under the impression that all of them were swept away at that time, and that the abuses which existed in connection with them had ceased for ever. That was not the fact. There still existed a great number of such Corporations, with all the anomalies which were presented by any that existed before the days of reform, although they were almost entirely confined to small places, and although also a majority of them did not possess very large funds, and consequently were not worth the inquiry. He knew himself of 96 such corporate boroughs. In Cornwall alone there were 10, which included the fatal names of Grampound, East Looe, West Looe, Lostwithiel, and Marazion. The incomes of most of these boroughs were only a few hundreds, but that of Queenborough in the Isle of Sheppey was £15,000 a-year in 1835. The three worst with which he was acquainted, and which were good representative cases, from the absolute concealment which existed with regard to them of all accounts of monies received or expended—involving thus the possibility of plunder by self-elected persons, were Queenborough and New Romney in Kent, and Woodstock in Oxfordshire. He would state the cases of those three towns, as showing what singular abuses still continued in a portion of our institutions which they had imagined to have been thoroughly reformed. The case of Queenborough was an interesting one. It



was called Queenborough, because Queen Philippa, passing through it in the time of Edward III., procured its enfranchisement. She visited it once more a little later, and seeing "the Mayor, a thatcher, roofing a house (for in those days there were no loyal addresses), with his breeches rent at the seat," she ordered 10s. a-year for ever to be paid to the town to find the Mayor in breeches. This payment is still enjoyed by the town. The whole of the borough, about 600 acres, was formerly the property of the Corporation, but owing to their wasteful mismanagement of their oyster fisheries they became bankrupt in 1845, and the property was sold under an Act of Parliament to pay debts which were, for the most part, to the present day unpaid. Large fortunes were shortly after this time realized by one or two members of the lately insolvent Corporation, who, for paltry considerations, and by most shameful jobbery, managed to inclose Queenborough Common. That Corporation, careless about its unsettled liabilities, was avariciously diligent in levying harbour dues: 2s. for lifting an anchor; 2s. for discharging any vessel; 2s. for loading a barge; 6d. was charged on every load of hay or straw entering the town, through which the only main road lay, and 4d. for every wagon carrying produce. Yet there was no gate or turnpike trust, and the cattle depôt which was about to be established close by, in the rich pasture of the Isle of Sheppey, made the continuance of that class of duties a question of great importance to the London cattle dealers. It was calculated that £1 9s. was the fee chargeable on a barge-load of straw discharging at Queenborough. The town sergeant kept no accounts. When a ship came in, he boarded her and pocketed the 2s. himself. The borough Court also imposed fines and penalties, and altogether it was reckoned that from fines, fees, dues, &c., the Corporation got about £200 a-year. To that sum must be added nearly £200 a-year which the Corporation collected with the county rate by their own officers from the inhabitants: the guardians of Sheppey Union—who stood in wholesome dread of the Local Government Auditor—altogether declining to recognize those peculiar charges, and therefore confining themselves to the collection of the poor's rate alone. Out of the amount thus levied on the inhabitants

£25 a-year was granted to the Mayor as table-money. The borough charities possessed £1,700 worth of property, of which the interest was paid thus: to every boy in Sheppey Workhouse 6d. a-year; to the widows of freemen 36s. each. All the officers were self-elected. Land could not be obtained for any public purpose. The jurisdiction was complete over misdemeanours, and no one could be arrested without the counter-signature of the Mayor. A burgess of Queenborough has the serious privilege of—

"Being quit in the whole kingdom of toll, pontage, pannage, murage, kayage, piccage, groundage, lastage, stallage, hidage, rivage, and wreck of the sea."

Which last he brought to the notice of the hon. Member for Derby (Mr. Plimsoll). The freemen of Queenborough possessed inalienable rights of common of fishery in the waters of Queenborough Corporation. That was settled after a famous trial known as "Skey's Case," in the early part of this century. He did not think the ablest lawyer in that House could say with any confidence whether those freemen's rights of fishery still existed, or whether they were done away by the Act of 1845, which authorized the sale of those fisheries. Those fisheries were never really sold; they were offered at auction, but no one would bid. But this was what happened—and he went into these particulars because he thought it was one of the worst cases he ever heard of—five members of the incorporated septemvirate formed themselves into a body of fishery trustees, raised a fresh sum of money on a new set of bonds, under a trust deed which was to have been enrolled in Chancery, but which never has been so enrolled, and then bought back the fisheries which they held in trust for the benefit of Queenborough—for whatever, that was, they might choose to consider "the benefit." They were supposed since to have paid off their second set of bonds, and the oyster fisheries were becoming valuable; but the former creditors had but a poor chance as long as the trust deed was unenrolled, and the accounts were secret. Phineas Webb, the oldest freeman in Queenborough, lately tried to put his rights of common of fishery to the test by going and exercising them. He was fined by the Mayor and Corporation, who refused his request to be sent for trial to Maidstone, and, declining



to pay the fine, he was sent to Canterbury gaol. Yet Phineas Webb, as he had said, was most probably in the right. He was, nevertheless, prosecuted, tried, and punished, and refused a chance of a fair hearing, for a supposed offence against a firm of fishermen, by the partners in that firm! So much for Queenborough. New Romney was a town in Kent, the capital indeed of Romney Marsh, the latter being the well-known fifth quarter of the globe, according to the inhabitants of Kent, who habitually spoke of Europe, Asia, Africa, America, and Romney Marsh. New Romney was one of the Cinque Ports; indeed, from some points of view, it might be called the capital of the Cinque Ports. It was governed under a charter, which was similar to the charter of the neighbouring town of Winchelsea. The port had been destroyed by the great storm of 1287, and it now stood two miles from the sea; but, although it had become a crazy village, it had kept the organization of a flourishing mediæval town. Untouched by municipal reform, it was governed by a self-elected Corporation, dealing with large town properties and with very considerable funds, the proceeds of them; and letting, as he would show, the Corporation lands solely to members of the Corporation. The proceedings of this Corporation were brought before the Home Secretary by a memorial of the inhabitants on one occasion. The facts stated in that memorial were extraordinarily strange. Those facts had never been denied. The memorial prayed for the creation of an ordinary Corporation, and Major Donnelly was sent down to see whether the population was sufficient, which he found was not the case, although the ordinary limit was very nearly reached. If instead of praying for the creation of a new Corporation, the inhabitants had prayed only for an inquiry into the legality of the existence of the Corporation, and the manner in which it had exercised its powers, he did not see how that inquiry could have been refused. On Ladyday of every year, the election of the Corporation by the commonalty took place, and he would describe the election without a particle of exaggeration. On the eve of the day, at 10 o'clock at night, horns were blown through the town, and proclamation was made in these terms—

"Every man of twelve years or more, go to the church; there our commonalty hath need. Haste, haste!"

In the morning the horns were again blown by the sergeants of the Corporation, and the same form was repeated. A procession then took place to the church—the sergeants carrying the two silver maces of the Corporation; the mayor carrying his staff of office; two jurats carrying keys, the keys of the town chest; and the remainder of the jurats and the freemen. They entered the church, and, by their reading of the law the "commonalty" being only the freemen, and the Corporation being entitled to refuse the freemanship to any except their own nominees, they proceeded to lock the doors of the church in the face of the assembled population, and "publicly and openly the election of the Corporation for the year is then made" by a number of gentlemen which generally was six, but which counting non-residents who ought not to be counted—could not exceed eight, sitting round an old tomb! A Mr. Stubbins, who lived two hundred years ago, and who lent an air of respectability to his name by writing it as *Stuppenye*, had left that tomb to the Corporation to serve as a table at their annual meeting. The Mayor took his seat at the head of the tomb; he then addressed the commonalty, who that year consisted of one person, in a speech in which he desired them—that was, him—to proceed to a new election. The town clerk then rose in his place, and read a tremendous document directed against corruption. Now, the ancient documents under which the election was conducted, or should be conducted, continued their description of the forms to be observed as followed—but here he must notice a divergency between the practice and the principle:—"The commonalty desire the mayor to withdraw, and name three other respectable men to be in election with him," &c.; but the documents he quoted assumed two things—they assumed that the person to be chosen Mayor was a resident, and they assumed that there were 12 jurats; or, as they expressed it, a jury of justices. Now, last year, they had a non-resident Mayor, which he believed to be illegal, and instead of twelve jurats they had only four; whilst, so nearly did the election of those four exhaust their whole numbers, that there was only one gen-

tleman left to represent the commonalty of the town. Now, Mr. Jeakes, the learned historian of the Cinque Ports, said that it was incumbent that there should be 12 jurats; and he also said that the non-resident freemen were prevented from voting, and the records of the Cinque Ports themselves declared—

“If a man be made free, he must within a year after have lands, goods, or chattels of the value of 40s., or else his franchise is forfeited, and the jurats may not grant the freedom to anyone that is not resident within the franchise.”

Now, no doubt, the late Mayor was resident when he was made a freeman; but it appeared as contrary to the spirit of the law that he should continue to be Mayor when not resident, as it was contrary to the words of Mr. Jeakes. But, at all events, if it should be shown that no illegality strictly speaking and technically existed on that point, he maintained that there was an illegality on a most serious point, inasmuch as it was declared in *Stephen's Commentaries* that a Corporation was dissolved “by the loss of such an integral part or portion of its members as the charter requires for corporate election.” If that was good law—and he believed it was so—he maintained that the Corporation of New Romney, at the present moment, was non-existent, and that certain unauthorized persons were illegally holding its valuable lands, and that was the ground upon which he mainly rested the case for an inquiry. In the Petition which had been presented to the late Home Secretary, it was stated that there were 570 acres of valuable Corporation land, of which the whole was rented from the Corporation by members of the Corporation, no balance-sheet being shown. The Mayor, Mr. Walker, held 318 acres of it. The Mayor's brother held 44 acres. Mr. Cobb, one of the jurats, held 26 acres. His son, Mr. Cobb, held 49 acres. Mr. Coates, a member of the Corporation, held 95 acres. Mr. Humphery, the Chamberlain of the Corporation—who was now the only representative of the commonalty of New Romney—that was the only freeman who attended and who was not a jurat, and who, he presumed, was “commonalty” chiefly because his name did not happen to be either Walker, Cobb, or Coates—held 23 acres; the remainder being held by the family of the town

clerk. He believed that the same thing was true now—namely, that the whole of the land was let to members of the Corporation, no balance-sheet of any kind ever being shown. Now, he found by the records of Cinque Ports that—

“It was ordered at the Court of Brotherhood and Guestling held July 22nd, 1634, and by that assembly fully decreed, that the lands of the Corporation of New Romney shall be let to any of the inhabitants of that town who shall give the most for them, namely, to the best advantage. They may be let for the term of seven years only if he shall so long live in the said town. If any shall assign the term of seven years, only if he shall live in the said town, not to anybody but an inhabitant of Romney as aforesaid, and the said town of Romney are enjoined forthwith to establish a decree and duly observe the same decree in every respect, upon pain of £500 to be levied *more solito*.”

He claimed that the Corporation, therefore, had subjected themselves to that fine of £500 by the manner in which they had let their lands. The question which had been raised by all these proceedings was not so small a one as might at first sight appear. On the one hand, the revenues of the town of New Romney from their lands were so considerable, or ought to be, as to make the town the richest publicly of any with which he was acquainted. Again, the powers of the jurats, at that moment four in number instead of 12, were very considerable indeed, but the whole existence of the Corporation being probably illegal, it was doubtful whether a rich man could be punished for any ordinary offence that he might commit within New Romney. A poor man would of course be punished, because he could not afford to appeal and contest the jurisdiction of the jurats. The property of the town was estimated at £1,200 a-year for a population of 1,000. That property was at the present moment considerably under-let, but he named a figure which had been actually offered for it four years ago by a substantial local man, whose offer was renewed by two others in a subsequent year. The whole of the property being let as he had stated by the Cobbs and the Walkers, who were members of the Corporation, to the Walkers and the Cobbs, they showed no balance sheet. He did not accuse them of dishonesty, and although the lands were much under-let, such as the revenues were it might turn out on inquiry that they spent them for the public good. But no one could know that that

was the case. Their public did not believe it. They had not him, but their public to convince, and it showed the most singular stupidity on their part to imagine that they could escape grave local suspicion so long as they refused to show a balance sheet. He was bound to say that they were not much afraid of public opinion. The local papers in their part of Kent called them week by week, "a rotten relic of antiquity," "a reproach to civilization," and "a libel on the age." He did not wish to use strong language, but if they were to be left alone without inquiry, he should propose, at all events, that the hon. Baronet the Member for Maidstone (Sir John Lubbock) should next year include them in the Schedule of his Ancient Monuments Bill. In 1871 the New Romney Corporation brought an action for libel against a local paper which had spoken of them in these terms, and on this action they, of course, spent without let or hindrance the money of the town. Mr. Justice Hannen, in his charge to the Grand Jury, said—

"It was the first instance in his experience in which a libel on a Corporation had been made the subject of an investigation of this kind. The Corporation of New Romney, however, seemed to be extremely sensitive. . . . No doubt it was strong language to say that the money of the Corporation was parcelled out among the members and their friends."

The Grand Jury threw out the Bill, and the Corporation did not clear their corporate character. It was set forth in the great Municipal Corporation Report that New Romney "absolutely refused all information to Your Majesty's Commissioners." "John Walker, Esq.," Mayor, in the chair, the "mayor, jurats, and commonalty" of New Romney, on 8th February, 1834, passed a resolution declaring the Municipal Corporation Commission wholly illegal!—and the sky did not fall. Talk of "before 1832!" Why, before 1832 New Romney was an open Corporation compared with New Romney now. The total number of its freemen at the time of the Reform Bill was 21, so that if they had elected a Mayor and 12 jurats they would have had the respectable number of eight freemen over to represent the commonalty. The total number of freemen now, including the Mayor and four jurats, was eight, of whom three, at least, were non-resident, and legally disqualified from voting, though they did vote. Those

five freemen, or eight freemen, or whatever it might be, had not only, properly speaking, to elect a Mayor and 12 jurats from amongst themselves, but also 26 councillors. He came next to another, and perhaps to a still more serious side of the affair. If those gentlemen were responsible to no one but themselves, as they claimed, and if they were never to show a balance sheet, what was to prevent any successors of theirs who might be dishonest, and who at the present rate of decrease would in about 10 years' time be only four in number, from selling the whole property of the town and dividing the proceeds amongst themselves? It was an undoubted fact that parcels of land—including, for instance, the old bed of the river—had been sold by the Corporation without the previous knowledge of the inhabitants, and without any proof or even pretence that the proceeds had been re-invested in land. One piece of Corporation land had been sold quite lately. He did not wish to charge the members of the Corporation with individual dishonesty; but he thought that as honest men, they ought to wish to be placed above suspicion. Now, the question which their public asked itself was, what did they do with the money? The property was grossly underlet, but even grossly underlet as it was it produced £800 a-year—that was £7 or £8 a-head to each ratepayer. When Major Donnelly went down, Mr. Stringer, the town clerk, was asked a few questions outside the strict scope of the inquiry. He was asked, What was done with the money? He said that £30 was paid as salary to the Mayor, £25 a-year to the schools, £60 for gas, £20 salary for the chamberlain who was a member of the Corporation; and in all he accounted for less than £200 a-year. Mr. Buss, the village Hampden, very naturally asked—"What do you do with the rest?" "I shan't tell you," was the answer by Mr. Stringer, and Major Donnelly had no power to ask more. It was not only ordered in former days that the Corporation should let their lands to those of the inhabitants who would give the most; but it was further ordered that the lands should be let at a public meeting; but the amazing contention of the six or eight graziers who at present constituted the Corporation, was not only that they and they alone were the inhabitants, but

that they, assembled in the church around the tomb with the church doors locked, were a public meeting. As for their claims that they—half of them not living in New Romney, at all—and they only were the inhabitants, it would appear that though you might have been born in New Romney, and have lived in New Romney all your life, and your fathers before you, nevertheless you might not be an “inhabitant.” A case had been submitted to the late Attorney General (Sir John Coleridge) upon that point, and he had held that the word “commonalty” meant more than the freemen, and *did* include other inhabitants, but he had not gone on to decide what was an inhabitant. The charter of Queen Elizabeth, which was the charter under which the present proceedings of the Corporation were conducted, used the phrase “for the benefit of the freemen and commons for ever,” from which it would appear that the freemen and commons were distinct. As to what he said just now about the residence of some of those “inhabitants;” Mr. W. D. Walker, the last year’s Mayor was not only non-resident, which he believed to be illegal, but he also held the office of bailiff of Romney Marsh, and the effect of that combination of offices was that he had to audit his own accounts as manager of the Southland Charity, and to supervise himself. He thought that the attention of the Charity Commissioners and of the Endowed Schools Commissioners, for it concerned both, ought to be called to the Southland Charity, which had a large income entirely independent of that of the Corporation. The governor of the charity enjoyed a house and salary under the founder’s will. By the founder’s will he must be a “scholar” of Oxford or Cambridge, and he must teach two boys English. Now, he was informed that the present governor was, when chosen, not a graduate of either Oxford or Cambridge, and that instead of instructing the boys himself, he paid two-pence a-week for them at the national school. If so, he followed, he believed, the example of his predecessor, for he had taken the trouble to go to the office of the Charity Commissioners and to examine the return made by his predecessor to the first great inquiry into charities. He found that he reported, with great modesty, that the boys were

taught elsewhere, where they would probably be better taught than by himself. To return to the Corporation, he thought that inquiry was necessary, not only in the public interest—not only in the interest of the inhabitants of New Romney—but also in the interest of the members of the Corporation themselves. The gravest possible charges were made against them in the town they governed. Scurrilous bills were circulated from hand to hand. There was one which was to be found in every house in Romney Marsh, which was *Bumpkin’s Kattechism*. In it Mr. Walker, the Mayor, was elegantly alluded to as “Hookey,” and in “Billy” they recognized Mr. Stringer, the town clerk, inasmuch as Mr. Stringer’s celebrated answer before Major Donnelly appears in Billy’s mouth—

“Q. ‘What are the benefits of members?’—

A. ‘Shan’t tell you,’ says Billy.”

Another question ran as followed:—

“Q. ‘What is considered indispensable for admission to the Copperation?’—A. ‘Relationship; a complete surrender of private judgment, and a promise to obey implicitly Hookey and Brother Bill.’”

The doctrine of trusteeship as understood in New Romney was thus indicated in *Bumpkin’s Kattechism*:—

“Q. ‘For what was the Copperation instituted?’—A. ‘For the benefit of Hookey and his friends.’”

But seriously! Other Cinque Ports had been in nearly as corrupt a condition as New Romney, and had been thrown open. Hastings was thrown open before the Reform Bill. Winchelsea had been thrown open to all payers of scot and lot. New Romney was the worst of all. The total number of its freemen at the time of the passing of the Reform Act was 21. The total number at the passing of the Municipal Corporations Act was 18. The total number now was eight! New Romney was the only town in the whole world in which six people locked up in a church formed a public meeting of the inhabitants; it was the only town in England in which six gentlemen elected themselves to every office, appointed themselves magistrates, let the whole of the valuable town properties exclusively to themselves, audited their own accounts, and never showed a balance sheet. It was into that monstrously corrupt Corporation that he prayed that



inquiry might be made. He came next to the case of Woodstock. The Corporation of Woodstock consisted of five aldermen who took turns to be Mayor, and of 16 common councilmen, who were self-elected and held office for life. The councilmen chose the aldermen, who acted *ex officio* as borough magistrates. The Corporation possessed property which the inhabitants who were in correspondence with him stated to be worth between £300 and £400 a-year. The Mayor, when examined before Major Donnelly, who was also sent to Woodstock, admitted that the account given by the Corporation of their property in answer to the Petition was incorrect. They showed no accounts or balance-sheet, and they denied the right of the inhabitants to inquire into what became of it. They paid £45 a-year for the lighting of the streets; but, as he was informed, devoted no other sum whatever towards the benefit of the town, although the charter stated that the funds were given them to repair the roadways and the bridges of the borough, neither of which was done by them. They administered several charities, and the property of the grammar school, and they elected the master. In the case of the grammar school, they had lately over-ridden the unanimous resolution of a meeting of the townspeople which they themselves had called together to consider the question. They had also appointed a committee of townspeople to assist them in managing the grammar schools, but they ended by never calling the committee together. The late Endowed Schools Commission had prepared a scheme widening the trust; but the Corporation, by refusing to agree to it, managed to delay it until the change in the Commission last year, and the scheme appeared to have been dropped. They had appointed a clerical master taking clerical duties, contrary to the express wish of the unanimous town's meeting summoned by themselves, of which he had already spoken. Here was a small extract from the examination of the Mayor before Major Donnelly—

The Mayor:—"There was not a single Dissenter in the Corporation; there never had been. There were two brothers and two sets of brothers-in-law on the Council. The glove trade was not represented at all; it was the only manufacture in the town, and the amount paid in wages was vastly more than in any other trade."

The Counsel for the Petitioners:—"And yet it is stated in the Corporation Petition that the election of a glover would introduce dissension and discord into the body corporate."

The Mayor:—"I thought that the introduction of municipal elections in a small town like Woodstock would create ill-feeling and prove injurious."

He did not mention the fact that political elections in a small town like Woodstock—where they did occur—might create ill-feeling or prove injurious. Here was a bit from the examination of the town clerk—

"Some years ago there were 80 freemen; but they have now dwindled down to 21. Only 3 have taken up their freedom since 1832. When the freemen become extinct there will be no one left to elect a mayor."

The town clerk admitted that their proceedings on the only occasion on which they had ever opposed the Duke of Marlborough had at once had their legality questioned by *mandamus*. The Corporation were beaten and the costs came out of the corporate funds. He also admitted that there were three Dissenting chapels in the town, and that many of the leading tradesmen and glove manufacturers were Dissenters; but that they were absolutely excluded in practice from the Corporation. He also admitted that the water company of the town of Woodstock was the Duke of Marlborough, who supplied it from his reservoir and had the ordinary power to take up streets and lay down pipes. The Petition was signed by a clear majority of the inhabitant householders, by all the glove manufacturers, and by all the shopkeepers not themselves members of the Corporation. One of the leading aldermen of the town last year was a publican, and his public-house, kept by an *ex officio* magistrate, was used by other *ex officio* magistrates or aldermen until remarkable hours of the night. Although two other publicans of Woodstock had been summoned or fined for less than an hour's evasion of the law, and although the King's Arms—which was the house of which he spoke as having been kept by the *ex officio* magistrate—had been several times reported by the police—the alderman told the police—"Don't you know I am one of the chief magistrates of the town?" Inspector Bowen of the police, stated in Court that he had more trouble with the King's Arms than with any other house in the town. In the pre-



sent year, the landlord of the King's Arms was himself Mayor. Not only was the King's Arms' landlord Mayor, but the King's Arms itself belonged to the Corporation. The house was assessed at £35 a-year, but it was let at £1 13s. a-year, or, making allowance for the fine, it was so let as to produce rather less than £5 a-year. On the 7th of December a great number of people were in the King's Arms late at night-time for drinking purposes, and with closed doors. The police broke in, and the superintendent applied for a summons. The summons was not granted. A number of inhabitants then wrote to the chief constable for the county, and on the 11th of January 10 persons were summoned for drinking at the Mayor's house after hours. Eight were convicted. The Mayor made a long statement in Court on the occasion. The chief constable was again written to, and he having interfered, on the 18th of January the Mayor himself was summoned. The case was fully proved against him; he was convicted, and fined. The Mayor then said in Court—"I have always had a great respect for the police, but I never shall again." As this case was an undoubted fact, he hoped no one would accuse him of having found a mayor's nest. They had then in the case of Woodstock, as they had in the case of New Romney, a large property—although less large— withheld from public purposes and spent, nobody knew how, without the production of accounts or balance-sheet, by a self-elected body. They had also, as a special ground for inquiry in the case of Woodstock, a wilful breach of a well-known statute by the Mayor himself, without the possibility of his being deposed from his official rank as an alderman and a magistrate by the inhabitants of the town, inasmuch as they had taken no part in his election. In the case of New Romney, he had been offered a Petition from a majority of the inhabitants praying for inquiry, and he had no doubt from what he had learned locally, that at least as many of the inhabitants would sign a Petition now as had signed one in 1867; but as he found that one official had been dismissed, and that several persons had been deprived of charitable aid because they had signed that Petition, he had not thought it desirable to provide himself with one on that occasion. In the case of Wood-

stock, he was acting at the desire of a large number of the inhabitants of that town. The majority of the inhabitants signed the Petition in 1866. For Liberals it would be a sufficient reason for inquiry into those cases—to use the words which had been frequently heard in Parliament—"When corporate bodies do not apply land under their control to proper uses, it should be taken possession of by the State." He was, however, aware that that was not an altogether accepted doctrine of the Conservative Party, and therefore he would give more special grounds for inquiry into those cases. It was, he thought, a grievance demanding redress that self-elected bodies should possess *ex officio* jurisdiction of any kind over other persons, as they did in both those cases. There was also a special reason for inquiry into the mismanagement alleged by the inhabitants of the Southland Charity, in New Romney, and of the grammar school and several charities at Woodstock. There was also at New Romney, and he believed at Woodstock, a taxation grievance. Mr. Tunbridge, of New Romney—a member of the assessment committee of the Board of Guardians, and himself a man assessed at nearly £600 a-year, the leading inhabitant not a member of the Corporation, and bitterly opposed to its existence—had stated, and he believed it could not be denied, that not having been offered to competition, the Corporation lands were not only ridiculously under-rented, but also ridiculously under-rated, and that in consequence every person else who had to pay rates in the district was over taxed. The hon. Baronet concluded by moving the Resolution of which he had given Notice.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a List of Municipal Corporations (England and Wales) which are not incorporated under the Act 5 and 6 Will. 4, c. 76, showing with respect to each, in a tabular form, the amount of the revenue at the date of inquiry held in 1836:

"Copies of the Petition of the inhabitants of Woodstock to Her Majesty in Council in 1867:

"Of any Correspondence between the chief constable of Oxfordshire and inhabitants of Woodstock relating to charges made in 1874 or 1875 against the landlord of the 'King's Arms'

*Sir Charles W. Dilke*

at Woodstock for breaches of the Licensing Act, which charges resulted in the conviction of the said landlord, then and now Mayor of Woodstock, on January 18, 1875, for the said offence:

"And, of the Petition of the inhabitants of New Romney to Her Majesty in Council in 1869,"—(*Sir Charles W. Dilke*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

LORD RANDOLPH CHURCHILL said, it was with considerable amusement, although at the same time with great relief, that he had listened to the speech of the hon. Baronet. His manner had been so mysterious and alarming that he had led the House to suppose that he had some terrible tale of vice, immorality, and crime to divulge against the Corporation of Woodstock and the other unhappy boroughs against whom the Motion was directed. Now, however, that the thunderstorm which had been gathering over their heads had burst, it had not done very much damage. The affairs of most of the Corporations the hon. Baronet had alluded to were of very little moment to him (Lord Randolph Churchill), and, as he should not follow the example of the hon. Baronet in meddling with matters which did not concern him, he should confine his remarks to the borough of Woodstock. The only general remark he would make in connection with the subject was, that if the information given by the hon. Baronet with reference to the other Corporations was not more correct than that he had afforded with reference to Woodstock, the House would act very wisely in not paying too much attention to it. He would explain to the House the real facts with respect to the case of the Mayor. A meeting of the Foresters' Friendly Society was held at the King's Arms, at which it appeared that the business to be transacted was of such an unusually heavy and complicated nature that the hours during which the public-house might remain open were not sufficient for its completion. The police of Woodstock—a highly-intelligent and active body of men—reported the case to the magistrates' clerk, who was himself a member of the Corporation, and a summons would have been immediately taken out by the Chief Constable of the county had it not been for the occurrence

of the terrible Shipton accident, which had occupied his time for fully a month. As soon as that was arranged, the Foresters and the Mayor were both summoned, the former having to pay 2s. 6d. each and the latter £1 and costs. The hon. Baronet had alluded to some expressions of dissatisfaction which he alleged the Mayor had made use of on the occasion. What he had really said, however, was—"I have always thought very highly of the police of Woodstock; but from this time forward I shall think more highly of them than ever." He could easily understand that in the heat of the moment—for, of course, the summoning of a Mayor was not an everyday occurrence—the Mayor might have been misunderstood, or misreported, or, indeed, he might not have said what he intended to say. On the whole, the affair was creditable to Woodstock, and to the Corporation. In that respect, indeed, he might paraphrase the expression of Henry IV. on the occasion of the affair between the Prince of Wales and the Lord Chief Justice Gascoigne, and say—"Happy is the town which has such a corporation, and happy is the corporation that has such a mayor." He should certainly oppose the Motion of the hon. Baronet, and he hoped he might be able to persuade the House and the Government to take a similar course. The hon. Baronet was a terrible customer for Returns; but he had noticed this peculiarity about them—that they were really not very interesting to anybody except to the hon. Baronet himself. He recollected that when the Vote for Printing and Stationary was discussed in that House, great complaint was made by many hon. Members that that Vote was annually increasing, and there was a general agreement that useless and unnecessary Returns should not be granted. He could not help thinking that the present was a very proper moment for the House to commence a course of economy. He had another objection to the Return, and it was, that he had often noticed that when hon. Members below the Gangway opposite made Motions for Returns to inquire into property, they were in the habit of following that up with Motions for acquiring the property itself. Now, this Woodstock property was in no sense public property. The value amounted to £300 a-year, of which about one-

third was held in charitable trusts that were managed by the Corporation under the control of the Charity Commissioners of England and Wales, and the accounts were published every year. He might here explain that a clergyman had been appointed master of the grammar school, in order that he might perform service in the Woodstock Union on Sunday afternoons. That part of the property which was not held on charitable trusts had been acquired partly by charter, partly by devise, and partly by prudent purchase. The income of that portion of the property was expended in public works in Woodstock, in lighting and paving the town, and in keeping the pavements and the roads in repair, except those roads which were under the control of the highway surveyor, and only £20 was absorbed by salaries. Moreover, the Corporation gave liberal subscriptions to the national schools, the county infirmary, and other local charities. The hon. Baronet had complained of the Corporation being a self-elected body. If by that, he meant that there was any exclusiveness about it, he was greatly mistaken, for he could tell him that with the exception of the persons from whom he supposed the hon. Baronet obtained his information, there were few of the eligible inhabitants of the town who had not been either elected or had had an offer of election on the Corporation. Did the hon. Baronet mean it was close politically? If so, he was mistaken. He (Lord Randolph Churchill) did not know of any Dissenters being on the Corporation; but he could tell the hon. Baronet that there were three men belonging to that body who entertained Liberal opinions—the town clerk, the coroner, and a Scotchman, who, he need hardly say, held the most advanced opinions. It had always been a commendable custom with the Corporation for ages past to recruit its members from the most wealthy and respectable portion of the inhabitants, and as in boroughs other than Woodstock, wealth and respectability were often found coincident with Conservative opinions, it was not surprising that the Conservative members of the Corporation should form the majority. Did the hon. Baronet mean that the Corporation was close, in the sense that it was not elected by the ratepayers? On that point he submitted that it could not be better constituted if it were

*Lord Randolph Churchill*

elected by the ratepayers; and its property could not be better managed; and if the House made this alteration they would have to annihilate Royal Charters and abolish ancient privileges without any good reason being shown for such high-handed proceedings. The hon. Baronet was greatly mistaken if he thought that he was doing the slightest service to the inhabitants of Woodstock by bringing this matter before the House; and if it had been shown that his statements with respect to Woodstock were erroneous, the House would easily infer what weight was to be attached to them with regard to the other places to which reference had been made. The inhabitants of Woodstock were an excessively independent body of men, and if they were dissatisfied with their Corporation, they would take the earliest opportunity of disembarassing themselves of that body. But he could assure the hon. Baronet and the House that the inhabitants of Woodstock prized and valued their corporate and municipal privileges as highly as they did their political ones. The tenure of property by the Corporation was viewed without jealousy, and the administration of it without suspicion. The Corporation since the date of their Charter, granted by Henry VI., and confirmed by subsequent Monarchs, had discharged their civil and magisterial functions with dignity and with impartiality, and they had enjoyed, and still continued to enjoy, the esteem of all, and the affection of many of the inhabitants. Those, he humbly submitted, were not the kind of people whom that House would wish to annoy by a useless, inquisitive, prying, and needless investigation. The matter was not worthy of the attention of the House, and hardly worthy even of the attention of the hon. Baronet. The hon. Baronet's constituents had a right to expect better things from him than the cruel vivisection of an unfortunate Mayor and persecution of a few poor Aldermen. In conclusion, he wondered that his hon. Friend did not desist from these trifling little attacks, these petty onslaughts on Corporations and institutions which were as harmless as they were ancient, as unobtrusive as they were respectable, and respected. He wondered that his hon. Friend did not devote his great and acknowledged talent to the attainment

of some higher object, and to the pursuit of some worthier game.

THE ATTORNEY GENERAL said, that after the two amusing speeches which the House had just heard, what he had to say would seem very dull indeed. He could not attempt to answer what the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke) had said with regard to the particular cases he had referred to, as he (the Attorney General) had no other information on subject than what the hon. Baronet had just stated. No doubt, the question as to how the various unreformed corporations should be dealt with was a matter worthy of consideration; and as far as regarded that portion of the hon. Baronet's Motion which asked for a list of those corporations which were not incorporated under the Act of William IV., and the amount of their revenues, there could be no objection to it. The hon. Baronet had illustrated the general observations he had made by referring to the cases of Queenborough, New Romney, and Woodstock, and he (the Attorney General) must confess that, until he heard the speech of his noble Friend behind him (Lord Randolph Churchill), he thought that the attacks of the hon. Baronet upon these Corporations could not be answered without further inquiry. He was sorry, however, that the hon. Baronet, after giving the House the benefit of his antiquarian researches, had thought it right to make charges of this kind at a time when it was extremely possible that the persons concerned or interested in them were not in a position to answer them.

SIR CHARLES W. DILKE explained that he had informed the noble Lord of the character of the statements he intended to make as to Woodstock.

THE ATTORNEY GENERAL remarked that that no doubt was the case as regarded Woodstock, for the noble Lord was evidently well prepared to defend that Corporation, and had most efficiently done so; and if those interested in the other boroughs mentioned had been equally forewarned, they would probably have been able to make as good an answer as that of the noble Lord. Possibly the right hon. Gentleman opposite, who had been referred to by the hon. Baronet, would have been able to say something with reference to Queenborough or New Romney, though he

Attorney General was not aware that those Corporations were within the right hon. Gentleman's constituency.

MR. KNATCHBULL-HUGESSEN said, he had nothing whatever to do with either Corporation.

SIR CHARLES W. DILKE stated that he had informed the right hon. Gentleman the Member for Kent of the nature of the statements he intended to make as to those boroughs; but the right hon. Gentleman was not disposed to enter into the matter.

THE ATTORNEY GENERAL replied that his general argument was not affected by these particular circumstances, and went on to say that he was unable to imagine for what purpose the speech of the hon. Baronet, amusing as it was, had been made, because it hardly agreed with the terms of his Notice of Motion. There would be no objection to the furnishing of copies of the Petition of the inhabitants of Woodstock to Her Majesty in Council in 1867, and of that of the inhabitants of New Romney in 1869, but he must object to the remaining portion of the hon. Baronet's Motion. The hon. Baronet asked for a copy of the Correspondence between the Chief Constable of Oxfordshire and the inhabitants of Woodstock relating to charges made in 1874 and 1875 against the landlord of the King's Arms at Woodstock for breaches of the Licensing Act. His right hon. Friend the Home Secretary was not in a position to produce that Correspondence. If the noble Lord would withdraw the objection he had taken to the Motion, so far as it concerned Woodstock, the Government would assent to the production of the Papers asked for by the hon. Baronet, with the exception of the Correspondence to which he had just referred.

SIR WILLIAM HARCOURT said, he felt sure the hon. Baronet the Member for Chelsea would accept the offer of the hon. and learned Attorney General to grant the substantial part of the Motion; and he (Sir William Harcourt) hoped that if the allegations made against these Corporations were well founded, they would have the assistance of the Attorney General in taking further action, for the hon. and learned Gentleman ought to be specially interested in matters of this kind. He therefore trusted that the hon. Baronet would be satisfied. By doing so he



would by no means lessen the force of his argument, which went to show that there were in existence certain close Corporations, consisting of self-elected members, who held large public funds of which, as trustees for the public, they ought to render a public account. The hon. Baronet had made an extremely interesting and amusing speech, which had called forth an entertaining reply of equal ability, for the noble Lord opposite (Lord Randolph Churchill) had made a gallant defence of the borough he represented. It was impossible that the defence could have been better, and it filled one with all the astonishment and admiration which had been excited by the French cook who made 24 excellent dishes out of an old boot. The skill of the dressing concealed the miserable quality of the materials with which the artist had to deal. The great beauty of the speech was that the noble Lord, having admitted all the most damaging facts against himself, persuaded the House that they were of no importance whatever. No doubt, the noble Lord would be glad that these Returns should make known to all the world the merits of that admirable Corporation in which he himself had so much confidence, and which redounded so much to their credit.

SIR CHARLES W. DILKE said, he would not press for the Correspondence which the Attorney General objected to give.

MR. ASSHETON CROSS suggested that it would be more convenient if the hon. Baronet the Member for Chelsea would withdraw his Motion altogether, when it could be renewed in the form of a Motion for an unopposed Return.

Amendment, by leave, *withdrawn*.

#### THE PROPERTY OF THE LATE CHURCH OF IRELAND.

##### ADDRESS FOR A ROYAL COMMISSION.

MR. EDWARD JENKINS, in rising to move—

“That an humble Address be presented to Her Majesty, for the appointment of a Royal Commission to inquire into the circumstances of the distribution and application of the property of the late Church of Ireland, particularly as regarded commutations and compositions, whether under proceedings of the Church Temporalities Commissioners, or of the representative body of the Irish Church.”

*Sir William Harcourt*

said, he did so, because he maintained that it was contrary to the intention of the people of the United Kingdom in passing the Irish Church Act, that the Disendowed and Disestablished Church of Ireland should be practically re-endowed. It had been stated by a great authority in that House that out of the £16,000,000 of which the late Church of Ireland was possessed, £8,500,000 would be sufficient to cover all the liabilities arising under the Act; whereas, in fact, those who had to administer the funds had already expended £11,500,000 of the property, and it was said that £2,000,000 more would be required before the whole of the liabilities were cleared off. It was time to draw attention to the subject, when monies placed in the hands of a Christian Church, as a solemn trust to be used for the purposes of the Christian religion, were put into the pockets of the clergy, many of whom left their duties and carried the money to other Churches and other lands. He felt obliged to bring forward this matter both as a Christian and as a Liberal who had approved of the disestablishment of the Irish Church as a measure based upon justice and equality. There were three grounds upon which he based his claim for this inquiry. His first ground was, that by the Preamble of the Act, it was declared that the surplus property of the Irish Church was to be appropriated in such manner as Parliament should thereafter direct. It was therefore perfectly plain that the disendowment of the Irish Church was to be carried out on principles of equality as between the several religious denominations in Ireland. Now, how had that great, that paramount, object been accomplished? Let him call the attention of the House to a few facts. The accounts of the Commissioners recently presented to Parliament showed that, out of £16,740,000 of property received by them, they had paid the Presbyterian Churches about £750,000; to the Roman Catholic Church, for Maynooth, £372,300; to the Episcopal Church—first, in lieu of private endowments—and they knew how excessive that estimate was—£500,000; second, in commutations, annuities and gratuities, &c., £8,310,000; making a total of £8,810,000 paid to the Episcopal Church. Out of that, it appeared, by the last Report of the Representative body, that the Church



had already managed to secure in composition balances £1,137,234; constituting a permanent endowment, which would be largely increased, and that £2,028,630 had been handed over, in compositions and advances, to the clergy, without any reservation of their services, or regard for their parishioners. In addition to that, the Church received the fabrics of the churches and the ground free, and the glebes and glebe lands at something over half their value. He might explain that this last estimate he based on a passage in the last Report of the Irish Representative Church Body, from which it appeared that they had sold glebes for £16,630 1s. 3d., for which they paid the Commissioners only £7,524 11s. 9d.; leaving, after deducting £688 10s. for expenses, £8,416 19s. 6d. Thus, it would appear that the result of that Act of Disendowment had been to re-endow the Church of the minority with a sum of money in cash probably exceeding £2,000,000, with edifices in a state of repair, with glebes and glebe lands at half their value, and that the principles of religious equality emblazoned on the forefront of the Act turned out, in effect, to have been a delusion. That consummation raised several very serious questions. Was that the intention of Parliament? Was that the intention of the people of Great Britain? Was it due to deficiencies of legislation, or to faults of administration? And lastly, and most important in all its aspects, was the question, Would the majority of the Irish people be content to accept this as a final settlement? Such a result was inconsistent with the principles of the Act, and it threw considerable responsibility upon Parliament. As to the financial administration of the Act, it appeared that it unfortunately compromised seriously the official character of the Commissioners. First of all, he would direct attention to their method of business. Hon. Members had probably read the two Reports which had recently been presented to Parliament, and which disclosed such a state of things between the Commissioners and the Controller and Auditor General as was a disgrace to the public service. It would naturally be supposed that if the Controller and Auditor General asked for a Report, it would be given to him, and that if he wished to examine a taxed bill of costs he would be allowed

to do so. Instead of this, however, it would be found that underlings of the Commissioners sent impertinent letters to the Controller and Auditor General, and the Commissioners even hinted that he was actuated by personal motives in the course he was pursuing. The Controller and Auditor General asked for an increase of salary, which was refused by the Treasury; but it was almost a mean thing for the Commissioners to print the Correspondence on the subject, as if that were to be the explanation of the manner in which the Controller and Auditor General was endeavouring to perform the important functions entrusted to him. In the Reports presented to Parliament there was a curious, and he hoped with regard to the public service, a unique discussion with reference to the position and salary of Mr. Ball, the Commissioners' solicitor. The Lords of the Treasury agreed to increase his salary from £800 to £1,500 a-year on the condition of his undertaking the preparation of the merging orders. It was subsequently stated that now the Commissioners had relieved him of the duty of preparing the merging orders, because he had so much other work to do, and in one of his letters Mr. Ball spoke of the large amount of private business he had to transact; but it seemed very curious if he had time to attend to his private business, that he should not be obliged to do the duty for which he had received an increase of salary. In addition to this, however, he was allowed to receive taxed costs in all actions which the Commissioners might win, although they had to pay the taxed costs themselves in actions which they lost. Moreover, when purchases were made from the Commissioners, Mr. Ball was allowed to act as solicitor for both the purchaser and the vendors. It certainly seemed highly desirable that there should be an investigation into the relations subsisting between this gentleman and the Commissioners. He knew an instance in which a friend of his had purchased some valuable land in the centre of Belfast, and according to the terms of the Act he had taken a mortgage upon it for three-fourths of its value. His friend was entitled to a mortgage which would place no restrictions on his treatment of the land; but the solicitor to the Commissioners had introduced a proviso, that the purchaser should not sublet without

the consent of the Commissioners. The sub-leases might be very numerous, and in every case the papers would have to be sent up to Dublin to Mr. Ball, who would get fees upon them. Another point of disagreement, which it was impossible to justify, arose from Mr. Ball's habit of paying the funds received by him in the course of his duty into his private fund, where they were allowed to lay at intervals varying from 10 to 90 days. Objectionable as it was the Commissioners fought it out for a period of over four years with the Comptroller and Auditor General, and appeared only just now to have given way on the eve of the presentation of their second Report. He would now say a few words on the manner in which the Commissioners had executed the trust assigned to them by the Church Act. The financial results, as well as the method by which they arrived at them, would somewhat astonish the House. On the 8th of March, 1869, the right hon. Gentleman the Member for Greenwich, in introducing his measure, referred to the inequality that then existed, and deplored the wanton waste which had so often taken place. What had been the actual result of the administration of the fund by the Commissioners? The right hon. Gentleman said that it was estimated the proceeds of the Church property would be £16,000,000. As a matter of fact, they amounted to £16,740,000. He stated, moreover, that the value of the life interests of the incumbents, including the dignitaries and parochial clergy, would be £4,900,000; but, in fact, they had received £6,257,500—a difference of £1,357,500. He estimated that the value of the life interests of the curates would be £800,000, and the number of curates was repeatedly stated in this House to be about 500. In fact, 900 curates had commuted as permanent, for the sum of £1,820,247; besides which, an unknown number of curates had received gratuities as temporary curates; creating a difference on the estimate for curates alone of over £1,000,000, an excess, he might add, exhibiting payments enormously above the average for the old curates. But let him contrast the results in relation to the other Churches. The estimate for Presbyterians and Maynooth was £1,000,000—the actual cost was only £1,122,000. The total estimate of the right hon. Gentleman of the cost of

disendowment was £8,500,000; of the surplus, £7,500,000. The actual result had been, that the proceeds were £16,740,000; the liabilities and payments already amounted to £11,560,000, leaving the probable surplus of £5,180,000, which, however, would probably fall some £2,000,000 short of it. Now, from whatever cause arising, those facts were sufficient to justify the demand for an inquiry. They were entitled to ask to what were these enormous discrepancies due? To the legislators, or to the administrators? The right hon. Gentleman was, as he submitted, deeply concerned in the inquiry. He was one of the greatest masters of finance in this House. He had the advantage of means of information which were unexceptionable, and if those facts were not explained—those discrepancies to the extent of about £3,000,000—the right hon. Gentleman would be placed in this dilemma—that he must either have erred egregiously in his estimates, or have been a party to a political juggle which had deceived the whole country. In the Irish Church Act there were two sections by which the Commissioners were empowered to take up the obligations which had been undertaken by the Ecclesiastical Commissioners, obligations for buildings, for repairs, and for other church purposes. Until 1871 the Ecclesiastical Commissioners were empowered to expend such sums of money as they might deem desirable to preserve buildings in a proper state of repair for the performance of Divine service. The total average annual expenditure of the late Irish Ecclesiastical Commissioners from 1863 to 1868 was £28,280. The largest amount ever paid in one year was £44,170, whereas the Irish Church Commissioners, during the 18 months which ensued from the passing of the Act to the 1st of January, 1871, under that restrictive clause—the 48th—decreed a payment of £92,334. The average annual expenditure for the five years from 1863 to 1868, for building, enlarging, and repairs was £54,300, to which, however, there was an average annual voluntary contribution of £11,844, leaving the average annual expenditure out of Church funds, which was all they had to deal with, £42,456. The utmost gross expenditure for those three items, including voluntary contributions, in any single year, was £72,000. Yet the Com-

*Mr. Edward Jenkins*

missioners paid in 18 months £162,630! Then, again, as to Church requisites, the sum paid by the Irish Ecclesiastical Commissioners was £37,250, making for 18 months an estimate of £55,890; whereas the sum paid by the Irish Church Commissioners was £64,450—a difference of over £9,000. Under Section 49 the Commissioners were empowered to ascertain what sums were necessary for the repairs of churches. In many cases the documents had not been produced, and grants were frequently made to the clergyman on the presentation of a certificate that the work had been done. The consequence had been that instead of a sum of £90,000, the sum handed over by the Commissioners had been £257,500. There were yet graver facts to which it was necessary to call the attention of the House. It was in connection with the commutations that the greatest discrepancy between the estimates of the right hon. Gentleman and the results of the operations of the Commissioners existed. A mere glance at a Return issued last year upon his (Mr. Jenkins's) Motion, showing the number of ecclesiastical persons who had commuted, would convince one that there were grounds for some inquiry. It showed that instead of about 500, as estimated, the number of curates who had commuted was no less than 900. At the time of the passing of the Act, it was stated that there were 467 curates and 82 curate-rectors; constituting a little under 500 actual curacies in Ireland. Were they not entitled to ask from whence the Commissioners fished up the 400 additional permanent curates, not to mention 494 temporary curates, to whom it would appear that orders had been issued for gratuities, under the 15th section of the Act, making altogether 1,394 curacies to be accounted for? But, leaving out the temporary curates, he would ask—On what principle were 900 curates admitted to be permanent under the 14th and 15th Sections? And there was a very extraordinary circumstance connected with that valuation of the curacies. The average estimate of the right hon. Gentleman the Member for Greenwich for the commutation per head to Irish curates was only £1,600; whereas the average actual payment to curates had been £1,923 10s. per head. When they saw such tre-

mendous discrepancies between estimates and results, there would appear to be good ground for inquiry. But perhaps a glance at the Return which he held in his hand might help the House to form some idea of the manner in which those results were arrived at. After looking down the list one would be led to believe that in so poor a country as Ireland the large majority of the curates received salaries amounting to £100, £200, and in some cases as much as £230, or £250 per annum. Surely, there must have been some monstrous juggle; some means must have been used to deceive the Commissioners, or else they must have been most willingly deceived. And it seemed to him that it was a very serious matter for the Commissioners. Could they really have believed that in so short a time 400 *bond fide* permanent curates had been created?—that curates' salaries below £100 were the exception, and above £100 the rule? Though the Commissioners were empowered to act as Judges, they were also responsible as administrators. There was no legal or technical appeal from the decisions of the Commissioners; but when they gave decisions which were contrary to law and common sense, there ought to be an appeal to this House. After the passing of the Act, curates' salaries went up at a bound from £50 to £100 per cent; but the demand for them increased threefold, for the Bishops could not ordain fast enough. The consequence was, a number of incumbents had a sudden call to act as curates, in addition to the labours of their incumbencies. Bishops hurriedly laid hands on men in order to qualify them, apparently, not so much for the labours of religion, as for the purpose of increasing the amount of plunder to be derived from the State. In *The Belfast News Letter*, of September 28th, 1870, an advertizement appeared—

“Curates Wanted.—Wanted immediately two or three curates in full, or deacon's orders. Annuities almost certain. Apply, by letter, Wednesday, 28th December, 1870, or Thursday, 29th December, 1870, to R. H., Box 259, Post Office, Belfast; or by telegraph to George Hughes, Donegall Place, Belfast;”

and it was in that indecent haste that men who professed to be the servants of Christ made an effort to plunder the Church funds of their country. He would refer

to what had taken place in the diocese of Down and Connor. In 1869 there were 51 curates, but those who received commutations were 139, and taking the Return for the Diocese of Connor alone, he found that in 1868 the total net income of incumbents was £13,504 6s. 7d., or deducting vacant charges, £12,387 1s. 10d. The actual commutation annuities paid to beneficed clergymen by the Commissioners was £17,601 15s. 1d. In 1868 the curates in the Diocese of Connor numbered 31, with an income of £2,547 10s. In 1857 they numbered 57, with an income of £7,055 per annum. Thus, the increase in that single diocese was 26 curates, and £4,507 10s. per annum—an increase also in the rate of salary of about 100 per cent! Before the Act the total income of the clergy in Connor was £15,034 11s. 10d.: after disestablishment it rose to £22,109 5s. 1d. In Belfast and its neighbourhood there was, also, on the passing of the Act, a sudden outbreak of sacerdotal zeal. Every church had two clergymen at least, and in some cases three. In 1868 the total State endowments were £851 per annum. In 1870 the Commissioners' endowments were £6,623, an increase of nearly 800 per cent—that was, the commutation capital lost by disestablishment was £19,500; the commutation capital gained was £99,500. These figures needed no comment. But further, the Commissioners appeared to have made grants of annuities which were positively illegal. Under the 15th section they were to make grants to permanent curates, and gratuities to curates only temporary. Now, what were permanent curates? It was the intention of the Legislature that in deciding who were permanent and who were temporary curates, the permanency of a curacy should be determined with reference to the length of the term of service, the duties discharged, the non-residence, age, infirmity, or other incapacity of the incumbent, and his habit of employing a curate. But the Commissioners appeared to have granted to persons commutations upon pew-rents, which they would continue to receive after the annuity; upon voluntary subscriptions, upon chaplaincy fees, and in cases where there had previously been no salaries at all. It would be no answer to tell the House that the Commissioners had acted in open Court, and

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that there was nothing more to be said, for he ventured to submit that they had acted contrary to the law and common sense, and that there must be some power in that House to correct what had been done. There was a third reason why there should be some inquiry, and that was the notorious dissatisfaction which was felt in the Church of Ireland against their Representative Body. It appeared that many clergymen had deserted their charges and churches, and had taken themselves and the commutation money away from Ireland, and it was alleged that over £2,000,000 had thus been squandered on ecclesiastical conspiracy and immoral greed. It never could have been conceived by the right hon. Gentleman who had charge of the Bill in that House that a number of the clergy of the Church of Ireland would be able to absorb two-thirds of the money which was to be used for ecclesiastical purposes, and go away with it, and the Church cease to have the use of it. The last Report of the Representative Body of the Irish Church contained one of the saddest pages which it was ever his lot to read. At Page 13 there was a total of the compositions effected in each diocese, and after stating that £1,169,650 had been paid to compounders, in addition to which there had been advances bringing the sum up to £2,028,630, there was a small note to one of the items in these words—

“To this sum may be added £28,278 9s. 2d. due to cases in which certain clergymen devoted their compositions to parochial endowments.”

£28,000 only, out of £2,028,000, handed back, by the clergy to whom it was paid over, to be devoted to the purposes for which it was intended! But let the House also look at the circumstances of the manufacture of curates. In 1868, 500; in 1870, 900 [or apparently 1,394!] And yet, a little later, the Organizing Committee, containing representatives of all the dioceses, recommended the Representative Body to offer—

“Fair and liberal terms of compounding with a view to a reduction in the number of the clergy!”

Did any body, either politic or ecclesiastical, ever so stultify itself in the face of mankind? Bishops hurriedly laying hands upon men in order to create new claims upon the property of the State;



young men trooping from schools and from Wesleyan and Independent chapels to be transformed into Episcopal clergymen. The transaction was one which it was difficult properly to characterize. Now, without offence to any hon. Member on either side of the House who might be a Churchman, he would ask him to allow him to pray the House to consider, candidly and solemnly, those facts. What did they mean? Contrast them with the noble action of the Free Church when it departed, without endowments or prospect of aid, from the Mother Church on a point of principle. Had the Church of Christ degenerated? Had Christianity in that case been enervated by State endowments? It was impossible to help contrasting such a state of affairs as that with the sublime scene which took place at the Lake of Galilee when Christ gave the charge to feed his sheep, and the only motive he used was love to him. It had been left to a Christian Church in the 19th century to come back to that morality which the rugged heathen poet satirized—

“*Peccat et hæc peccat: vitio tamen utitur: at  
vos  
Dicite pontifices in sancto quid facit aurum!*”

He had submitted his case to the House. It might have been strengthened; but he had adduced facts which appeared to justify an inquiry. All those circumstances required to be cleared up, otherwise they might have to face that momentous question—Whether or not the majority of the Irish people would be content to acknowledge this as a final settlement? He had to thank the House for its forbearance, and its kind attention, throughout the long time which he had occupied; and he would only say, in conclusion, that he hoped, whatever course the House might adopt with respect to it, no hon. Member would feel that he, at all events, had imported into the discussion any of the elements of bitterness of feeling or of bigotry. The hon. Gentleman concluded by moving the Address.

MR. W. SHAW, in seconding the Motion, said, he did not belong to the Irish Church. He thought nineteenthths of the discrepancy which existed between the Estimates of the right hon. Gentleman the Member for Greenwich and the figures which had

just been laid before the House were attributable to the Act of Parliament itself, which placed £16,000,000 to be administered by the hands of three Commissioners; and that, when one of them died, the remaining two were left to deal with that immense interest without any appeal from their decisions, and without any direct responsibility. Indeed, he only wondered that, under the circumstances of the case, there was so little to complain of, knowing what they did of human nature, especially Church human nature, and seeing that the proceedings in question had been carried on for years all in the dark. It was but to be expected that many of the clergy who were poor should try to get as much of the money as they could, and he was surprised that even so much of it was left to be applied to national purposes in Ireland. He thought, however, it would be hardly fair that the House should suppose that the clergy had put the entire amount mentioned by his hon. Friend into their pockets, although he was afraid the interests of the Church had not been taken into account by them as they ought to have been, for it appeared that over 700 of them, having received their composition, left the country and came over to England. It would be for the interest of the Church itself that some light should be thrown upon what had been done, for a considerable sum of money must, of course, have been kept by the Church Body, and when the subject came to be investigated, he believed the case would be found not to be near so bad as the speech of his hon. Friend would lead the House to imagine. He did not think that the Commissioners—one an eminent Judge, and the other a noble Lord of good business habits—had acted outside the law. He hoped that the Government would grant a Commission, for he looked with great interest at the surplus from this property; but he now feared it would be very small, and that there would not be enough to lighten taxation. If, however, there should be a surplus, he would suggest, by way of addition to the Motion, that the Commission, if appointed, should be directed to inquire into the possibility of providing glebes with the money for the Roman Catholic parish priests and Presbyterian ministers in Ireland, who had great difficulty, especially in the poorer districts, in obtaining suitable



residences. That was an object to which the surplus funds might, in his opinion, be most legitimately devoted. Some of it might also be usefully applied in providing a University for Ireland; for they were both, in his opinion, great and important questions which required settling. In a country like Ireland, where there was so much poverty, no application of the money would be more suitable or acceptable. He hoped the suggestion would be acted upon.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, for the appointment of a Royal Commission to inquire into the circumstances of the distribution and application of the property of the late Church of Ireland, particularly as regards commutations and compositions, whether under proceedings of the Church Temporalities Commissioners, or of the representative body of the Irish Church,"—(*Mr. Edward Jenkins*),—instead thereof.

MR. MULHOLLAND said, he felt the responsibility of taking so early a part in this debate, but as a member of the Representative Body of the Irish Church who had taken part in all their financial operations, he hoped the House would extend to him their indulgence while he made some answer to the speech of the hon. Member for Dundee (*Mr. Jenkins*). At the same time, he must say he would not so willingly have undertaken the task had he been aware of the line he was about to take; for the greater part of his speech should certainly have been answered by hon. or right hon. Gentlemen sitting on the front Opposition Bench. The first part of the speech consisted chiefly of an attack on the Irish Church Act; but it was followed up by an attack on the Commissioners who were appointed to carry it out, and on the Representative Body. He was not in a position to speak for the Commissioners. He would only say this, that the characters of Lord Monck and Mr. Justice Lawson stood too high to allow anyone to suppose that they had erred designedly, and their abilities were too well known to permit anyone to believe that they erred through incapacity. As a member of the Representative Body, he might say he had on certain occasions taken part in deputations to the Commissioners, when he might have found them rather difficult to per-

suade; but certainly, in all cases, very strict and vigilant guardians of the interests they were appointed to protect. With respect to the charges against the Representative Body, he should have no difficulty in showing that they had no foundation whatever. He was, however, of opinion that the Church of Ireland had great reasons to be grateful to the hon. Gentleman for bringing these charges before the House in a definite shape, inasmuch as the present discussion would have the effect of removing an impression which doubtless prevailed in England to some extent that the clergy of the Disestablished Church had not in all cases acted as they ought to have done, and that they had done things, aided and abetted by the Representative Body of the Church, which would not stand the test of inquiry. To a great extent that state of feeling was owing to letters which had appeared in leading newspapers, some of them written by a gentleman who had been already mentioned by name in this debate, and to which unusual prominence had been given; but the replies were either not inserted or did not receive the same prominence, and thus many saw the charges who did not see the replies. He was rather surprised that the hon. Gentleman had committed himself to charges which would be clearly shown to be unfounded, and which had been made in total ignorance of the nature of the transactions. The hon. Member who seconded the Motion (*Mr. W. Shaw*) had anticipated a good deal of what he (*Mr. Mulholland*) had intended to say with reference to the nature of commutation, and had, in fact, answered a great part of the speech of the hon. Mover. Commutation had been much misunderstood. There were even clergymen of the English Church who, to that hour, imagined that there was something discreditable in the act of commutation; whereas commutation was a direct advantage to the Church. In what position did the Representative Body find themselves when they entered on the duties of their office? They found themselves confronted by the heavy task to reorganize the Irish Church—to re-construct it as an organized body. They found the only way in which the Church could be preserved from falling into a sort of chaos was to take the average

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value of the lives of annuitant clergymen, and that an average contribution should be paid by all the parishes in the country. They would have preferred one central fund to which all contributions would be given, and from which all stipends would be paid, but it became clear that it would be impossible to provide a fund in that way which would be sufficient to meet the requirements. The consequence was, that the country was divided into its different dioceses, and each diocese was allowed to form a financial plan of its own, based on the principle of life insurance, taking into account the wants and necessities of the diocese. In the accomplishment of this object commutation was a great assistance. The consent of the clergy was, of course, required for commutation, and they were asked to exchange, as it were, Government annuities for annuities of what might be called a financial association dealing with £7,000,000 or £8,000,000 of capital. They knew if errors were made, total ruin to themselves would be the result. One inducement offered to the annuitants was, that they should have the right to receive a portion of the capital sum in lieu of the annuity. The clergy laid considerable stress on that. It gave them a large amount of freedom, and enabled them, if they preferred it, to leave the Church. On the other hand, the Representative Body believed the result of composition would not be injurious to the Church. Was it not right in dealing with a subject of so much magnitude to proceed upon a general rule? Retirement, pensions in the Army and the Civil Service, all proceeded on general rules. The amount received as commutation up to the present time was £7,557,000, which was charged with life annuities amounting to £590,000. The hon. Member had spoken of that as a re-endowment of the Church; but the members of the Church of Ireland could not too early and too earnestly protest against any such phrase being applied to it. The fact was that Parliament did not give one single 6*d.* to the re-endowment of the Church. It gave precisely the life interest of the clergy, except that as the value of clerical life was supposed to be greater than had been calculated in those life tables, for that and expenses of management 12 per cent was

added to the original amount, and if it had not been added the Representative Body would most decidedly not have undertaken their task. The amount of composition paid up to the present time was £1,169,000, which had extinguished annuities to the extent of £172,000. The hon. Gentleman had spoken of this money as if it had been squandered—a most absurd word when it was considered that annuities had been bought up to a more than equivalent extent. The hon. Gentleman had also spoken of the dissatisfaction which existed in Ireland with the Representative Body. But that body was elected by the Church every two or three years; several vacancies had already occurred, and in almost every instance the retiring members had been re-elected. And at the last general Synod last month, a resolution was passed unanimously expressing complete satisfaction with the proceedings of the Representative Body, and entire confidence in the general affairs of the Church. And that Synod was composed of members freely chosen from every part of Ireland. The figures which the hon. Member had quoted with respect to the newly-appointed clergymen were singularly inaccurate. The interregnum between the passing of the Church Act and the 1st of January, 1871, was understood to be a probationary period, during which the clergy and curates might acquire annuities. The number appointed was 201, which was, no doubt, above the average; but it was understood during the passing of the Act that some consideration would be shown to young men who were preparing to enter the Church. He wished to point out a fallacy in the speech of the hon. Member, when he spoke of the life service of the clergy being a gain to the Church. The composition of annuities during the lives of the clergy was not necessarily a gain to the Church as an organized body, though it might be a gain if, in the meantime, individuals came forward with contributions and accumulated them for endowment. The Representative Body found, for many reasons, that it was desirable that a general system of contributions should be established throughout Ireland, and the arrangement with respect to compositions had materially assisted them. Diocesan contributions had come in to a greater amount than could have been expected, and there was now

£1,400,000 in the hands of the Representative Body, the accumulated contributions of the last four years. That was a large capital sum, but it represented only £56,000 a-year. A more important point was that under the system of diocesan contributions for the purpose of providing stipends for the clergy, the Representative Body got last year £137,000, notwithstanding the fact that the acquisition of glebes put an unusual strain upon the Church. That £137,000, being allowed to accumulate during the lives of the existing clergy, would produce the very substantial nucleus of a fund which would probably amount to £3,000,000. Now, how would those £3,000,000 be acquired? Not by a re-endowment of the Church by Parliament; but the contributions of which he had spoken, being allowed to accumulate at compound interest, would at a certain period reach that amount. As to the charges made against the clergy, if the rules framed by the Representative Body were for the benefit of the Church, the clergy were not to be blamed for accepting them. The hon. Gentleman had alluded to the special terms which had been granted in certain cases. The reason was this—A legal doubt arose whether curates whose rectors had died, or who had been dismissed by their rectors, could be compelled to take other duty, and additional terms were offered to those in the tables with a view to overcome this difficulty. He hoped he had now succeeded in vindicating the conduct of the clergy and the Commissioners from the imputations cast upon them by the hon. Gentleman. In conclusion, he felt sure that every fair and generous mind would sympathize with them in the crushing blow that had fallen upon the Church, and would rejoice if he had been able to show that the clergy and laity had not given way to despair, had not neglected their duty, but were heartily combining in an honest and single-minded endeavour to rebuild her walls.

MR. MACARTNEY said, that after the full and able defence which had just been made, little need be added in rebutting the charges of the hon. Gentleman (Mr. Jenkins). It had been stated that the annuities granted were much greater than they were expected to be, but that arose from the fact, that the Irish clergy derived a large portion of their incomes from glebe lands; for these

lands had probably been valued originally upon the Ordnance valuation, and in calculating the annuities, however, they were valued at much above the Ordnance valuation, and the Church had to buy them back at 21 years' purchase. This was the explanation of the great difference between the annuities as calculated and the annuities as given. It was reckoned a manly English trait not to kick a man when he was down, but the hon. Member had certainly not acted upon that maxim.

MR. GIBSON said, that although the hon. Gentleman opposite (Mr. Jenkins) in making the Motion before the House was pleased to say that he was simply fulfilling the duty of a Christian man, and was regarding this as involving a pure question of finance, yet the hon. Gentleman had used, in the course of his speech, a bouquet of epithets such as the following:—that the Commissioners had been guilty of prodigality, if not corruption, and had squandered £2,000,000 in ecclesiastical conspiracy and immoral greed. These were words used by a Christian man in the British House of Commons. For his own part he could not think language like that was dictated by Christian charity. No case had been made out by the hon. Gentleman for a Commission of Inquiry. The hon. Gentleman had brought forward many charges, but had proved none; and even if he had succeeded in making out his case, and a Commission were to report, no action could be taken upon their Report. The hon. Gentleman had not suggested any action that he would take in such an event. No charges graver than those preferred by the hon. Gentleman against Gentlemen filling responsible positions had been brought forward in that House within his experience—charges, too, of which no Notice had been given, for the terms of the Motion simply were that the hon. Gentleman would call attention to commutation and compounding, and not even a vivid Irish imagination could discover between the lines such charges as corruption, ecclesiastical conspiracy, and immoral greed. If the hon. Gentleman pressed his Motion, he thought the division would give a substantial answer to those charges. Who were the Church Temporality Commissioners? The ablest and best men that could have been found to discharge the delicate and important

duties connected with the winding-up of the great Church of Ireland. They were Viscount Monck, a Nobleman who had administered the affairs of England with great honour to the country in Canada. Mr. Justice Lawson, formerly an Attorney General and now a trusted, able, and impartial Judge, and the late Mr. George Alexander Hamilton, than whom a more honoured Member had never sat in that House. Against these Gentlemen a charge was now brought of corruption.

MR. EDWARD JENKINS said, he had not brought a charge of corruption, but said there had been mismanagement, if not corruption. ["Oh!"]

MR. GIBSON said, he failed to see the difference. What was the meaning of importing the word "corruption" into the debate, if the hon. Gentleman meant nothing by it? The hon. Gentleman must either have meant something or nothing. Surely, he would not desire the House to have such a poor opinion of his intellect as to wish them to believe he meant nothing. Let the House remember that every single circumstance which the hon. Gentleman had called into question had occurred while the late Mr. Hamilton was living and taking an active part in the work of the Commission. Although the Commissioners were empowered to deal absolutely with all questions of law and fact that might be brought before them, the hon. Gentleman now sought to constitute the House of Commons a Court of Appeal on such points as did not meet with his approval. The Commissioners awarded 6,251 annuities after the most careful and minute inquiry, heard 417 appeals—a fact which proved that they did not err on the side of extravagance—and refused no less than 1,127 claims, many of which at first sight seemed to be founded on the most grievous hardship, and which were represented before them by counsel; and yet they were to be brought before the House of Commons and accused of something which the hon. Gentleman would not call corruption. It was also to be remembered that, in calculating the amounts to be paid in cases of commutation, they adopted the tables of the National Debt Commissioners, the work of the eminent actuary, Mr. Finlaison, and had made their calculations from them, and so unsatisfactory did the Irish clergy consider them at first that it was at one time

thought that very few would commute at all and that the scheme would in consequence be a complete failure. Notwithstanding, the Commissioners were now charged with neglecting their duty, and with prodigality. They had proceeded, not according to some fancy standard of their own, set up by sentiment, but upon the tables most in repute in England, and arranged by a gentleman supposed to have more experience than anybody else. So much for the extravagance of the Commissioners in that respect. But the hon. Gentleman went beyond the terms of his Motion, and, without giving the House the slightest Notice of his intention, charged the Commissioners with having given too large a sum for Church requisites and repairs. No opportunity had been afforded to hon. Members for replying to his charges under that head, but as regarded Church requisites there were plain facts which could be stated at once. The Irish Church Act was passed in July, 1869. In the October following, one entire year fell due, and thus by the 1st of January, 1870, when the Church became disestablished, two years and three months charges had to be paid in a lump. Was the hon. Gentleman's accusation, then, a reasonable one? To the second head of this miserable and unworthy charge an answer was to be found in the Act of Parliament itself. The hon. Gentleman said sums had been voted by the Church Temporalities Commissioners in excess of those usually spent by the Ecclesiastical Commissioners. But the Act imposed upon the former the duty of ascertaining and finding out what were the accumulated promises of the Ecclesiastical Commissioners, and instead of spreading the performance of those promises over a great length of time, they fulfilled them within a period of two years. The undertaking cast upon the Commissioners was a great and arduous one, requiring broad intelligence, great acuteness, and rigid conscientiousness, and he ventured to think that they were fairly entitled to expect a little more generosity of treatment and a little more Christian consideration than they had received. The duty of the Irish Church Temporalities Commissioners being in the first place, to ascertain the compensation and then to assess the commutation, all the Representative Body had to



do was to receive the amount which the Commissioners fixed, and to dispose of it as they could for the advantage of the Church whose Representatives they were. It was suggested by the hon. Gentleman that this Body had done something with the Church property that was not right and proper; but Parliament was not in the habit of inquiring into what people did with their private property. If there was any injustice in the matter, the Courts of Law and Equity were open to any complaint, and the very fact of the hon. Gentleman opposite bringing this subject before the House was in itself an admission that nothing illegal had been done, and that there was no complaint which any Court of Equity would listen to. What was the hon. Gentleman's justification for bringing this question before the House? There had not been presented a single Petition from any member of the Irish Church, nor any suggestion of any grievance or injustice whatsoever. An hon. Member representing a Scotch constituency, and not even representing the Church himself, came forward with no other justification than that his duty as a Christian man compelled him to do so, in order to show that a whole lot of his brother Christians had behaved in a most improper way—that they had been guilty, not of corruption, but of an ecclesiastical conspiracy, and — noble Christian words to add!—immoral greed. The Irish Church Representative Body was composed of persons of the highest character and consideration in the country, who had without fee or reward given their time, experience, and money to the performance of the duties they had taken upon themselves, but it was these gentlemen whom the hon. Member for Dundee charged with having acted in the manner referred to. The Roman Catholic and Presbyterian Bodies received compensation under the provisions of the Irish Church Act; but what would be said, if Parliament was called upon to inquire as to the mode in which they had dealt with the funds awarded to them? To have such inquiries proposed Session after Session would not say much for the freedom secured to the Church by disestablishment. With regard to commutation, that was justifiable on several grounds. Without it there would have been in Ireland a series of congregations and no central power for

the distribution of the fund; and it was a desirable thing for other reasons, as would be seen from the pamphlets which had been written upon the subject. Then it was suggested that, commutation having taken place, there was something wrong in compounding. But commutation merely made the Representative Church Body into a kind of great annuity society, and to diminish the risks with which it was attended compounding was introduced. Moreover, everything that had been done in relation to compounding was done in express pursuance of the 23rd section of the Irish Church Act. Surely, then it was unreasonable to say that the Irish clergy in following the express terms of that permission had done something which exposed them to the greatest possible censure. Compounding enabled a reduction of the clergy to be made from 2,000 to 1,460; it rendered possible a re-arrangement and re-distribution of parishes and an adjustment of boundaries. Anyone would imagine from the speech of the hon. Member that the clergy were better off than before, but the fact was, that the average income of incumbents was between £200 and £300. The best paid rectors had an income of about £300. Commutation and compounding had worked admirably. For 26 per cent of capital the Representative Church Body had got rid of 41 per cent of annuities. That fact spoke volumes for the admirable results of those processes for the Church taken as a whole. The greatest care was taken with reference to every application to commute or compound. Special terms were demanded in a not considerable number of cases by the exigency of the case, and for the welfare of the Church. The hon. Gentleman made some allusion to the poor fishermen who commenced the ministration of Christianity. Did he mean that the clergy should beg from door to door because they were entrusted with a sacred mission? It would be very poor charity to ask men to preach a mission about our everlasting salvation without making any provision by which these men should be properly housed, and properly clothed, and for the decent sustenance of themselves and their families. It was said that there had been a "wholesale migration of Irish clergy to England." That was not true. 736 Irish clergymen compounded; 405

*Mr. Gibson*



of them were still working in the Irish Church; 154 were dead or had retired, and 136 only had gone to England or the Colonies. Had a single case come under the notice of anyone in London of misconduct in the slightest degree on the part of any of the Irish clergymen who officiated in London? It was admitted that they were men of piety and learning, and were devoted to their sacred calling. It was said that between the announcement of Disestablishment and the carrying out of the Disestablishment Act, the Irish Bishops ordained 700 curates, and the hon. Member talked about the Bishops not having used sufficient care in laying their hands upon the heads of those whom they were ordaining to the sacred office. [Mr. EDWARD JENKINS: I said "hurriedly."] It did not matter what was said, for it came to exactly the same thing, if the hon. Gentleman meant that the Bishops did not take sufficient care that they laid their hands on the right head. He denied that there was any ground for saying that ordinations had been conducted without due consideration. It appeared that the actual number ordained was 201, and in no case was a man improperly passed. If any persons had been hurriedly or unbecomingly ordained during the last four years, there must remain some trace of the circumstance; but he ventured to assert that such a case had never been even suggested in any diocese in Ireland. All the gentlemen, he believed, who were admitted into the ranks of the clergy during that period had shown by their subsequent lives that they were properly ordained. The hon. Member for Dundee made a suggestion that some incomes which were £500 before disestablishment suddenly jumped up to £900. On this he would remark that it was the duty of the Church Temporalities Commissioners, if they found a man was entitled to, say, £150 for a benefice and £50 for a curacy, to make two awards to him. This would account for the increase in some cases. As the diocese of Down and Connor had been specially referred to, he might mention that included the large city of Belfast where there were numerous chapels of ease, the clergy of which were compensated by the Commissioners, who determined that they possessed the status of permanent curates; and surely this was most

reasonable, inasmuch as each chapel of ease fulfilled the functions of a church in the parish wherein it was situated. It would be preposterous to suppose the decision of the Commissioners could be overruled on account of what Lord Carlingford said when he sat in the House of Commons. The hon. Gentleman had referred to a sum of £28,000, which was mentioned at the end of one report. Well, it only meant that certain clergyman gave up to that extent to the Church everything which had been awarded to them. The hon. Gentleman asked for a Commission, but what would he do with it? He had not shadowed out a single thing that was to be done. If it were to inquire into the conduct of public servants who were clothed with judicial functions, that would be tantamount to a censure. On the other hand, was a Royal Commission ever appointed to inquire into the doings of a private company in respect to private property? He thought that the more the question was looked at, the more it would be found that the hon. Gentleman was asking something which ought not to be granted. The hon. Gentleman had no clients within the ranks of the Irish Church, and only last week the General Synod assembled at Dublin, in which the laity outnumbered the clergy two to one, passed a unanimous vote of confidence in the Body which managed their affairs. That was the opinion of the accredited organ of thought within the ranks of the Church, both clerical and lay, and could it be fairly said that the hon. Gentleman knew what was good for the Church and what should be done for it, better than those whose business it was to look after the Church and its affairs? He was glad that the Motion had at last been brought forward, and he trusted that the House, after fairly considering the question, would arrive at the conclusion that no case had been made out for the appointment of a Royal Commission, but that they would say that those to whom the responsibility of discharging those duties had been entrusted had done so with wisdom, integrity, and forethought, and that the clergy of the Irish Church had conducted themselves in this most trying and important crisis in a manner not unworthy of their sacred calling and not unbecoming their solemn duties.

MR. LAW said, that, with regard to the question of commutation on the part of the curates, it was only fair to remember that a number of young men were qualifying themselves to serve as curates at the time when the Irish Church Act suddenly passed, and a short period was allowed to enable them to become ordained and so be entitled to compensation. Under such circumstances, 201 could not by any means be considered a large number for the year and a half that intervened before the 1st January, 1871. The hon. Member for Dundee (Mr. Jenkins) asked for a Royal Commission to inquire into the commutations that had occurred. The number had been considerable, because commutations had been designedly encouraged by Parliament giving a bonus for the purpose, the object being to wind up the business within a limited time. The hon. Member impeached the management of the funds by the Commissioners, and accused them of prodigality and carelessness, if not of corruption. It had been said that their proceedings were of a hole-and-corner description, and that nobody knew what had been done. If anybody was in the dark it was, however, his own fault. By the 37th section of the Act, the Commissioners were bound either annually or at shorter intervals to forward to the Auditor General accounts of every penny of their receipt and expenditure, with the vouchers, and these accounts had been annually laid before Parliament, and printed for the use of hon. Members. Had any one heard before of a case in which, when a Commission had been constituted by Parliament, another Commission had been afterwards appointed to see whether the first Commissioners were doing their duty? If that were done, why should there not be a third Commission to look after the second, and so on indefinitely? He had some curiosity to know in whose interest the hon. Member had moved in this matter. It was certainly not in the interest of the Irish Church or its members. Was it in the interest of the general public? Was it for the purpose of impeaching the propriety or integrity of the Commissioners? The hon. Member disavowed that, but he distinctly asserted that they had been guilty of carelessness. He (Mr. Law), however, thought that when the nature of the work which the Commissioners

had had to do was taken into account they could not be accused of inattention to the interests of the public. They had to ascertain the exact equivalent of every clergyman's rent-charges and other interests; and this it would be found they had accomplished with great success and in a very short time. It must be recollected that there was a long contest in that House on the compensation of curates under the 15th section, the result of which was that they secured much better terms than it was originally intended to give them. It was the same with the glebes and glebe houses, with the Capitular Bodies, and also with reference to the sum appropriated in lieu of private endowments. Was it fair to base a charge of culpable negligence against the Commissioners upon the fact that the Prime Minister, in March, 1869, when introducing the Irish Church Bill, gave an estimate of liabilities that was eventually found to fall short of the amount needed by between £2,000,000 and £3,000,000? Did the hon. Gentleman forget the various concessions that had been made in order to ensure the passing of the Bill through Parliament? In a question involving so large a sum as £16,000,000 or £17,000,000, it was impossible that a very exact estimate could be made beforehand, and it could not be denied that an excess of expenditure over estimate had been caused by the changes made in the Bill as the price of its passing through this and the other House. As to the charge that had been made against Mr. Ball, the hon. Member, who had read through these Reports and the accounts of the Commissioners, must have known, and it was desirable the House should know, that Mr. Ball was for many years solicitor to the late Ecclesiastical Commissioners, and the new Church Commissioners thought it desirable to let him continue to be employed as solicitor for the tenants also; cutting down his scale of fees, however, so as to tempt people to buy without the necessity of employing a solicitor of their own. That was done, and done, too, with the sanction of the Treasury as well as of the Commissioners; and, in fact, when Mr. Ball was employed by a tenant the only charge made was for the actual expense and labour of the transaction; the solicitor's work was done for next to nothing. So far, in-

deed, from there being anything wrong in the action of the Commissioners in this respect, their object had been to render the property more easily disposable. With regard to the individual case mentioned, it appeared there was some prohibition of sub-letting, but was it for the House to inquire into a matter of that kind? What was the object of the proposed Commission? Did the hon. Member think that upon the accounts of the Commissioners he could found any charge against those Gentlemen? If so, there were the accounts on the Table of the House, and let him proceed to specify his charges. The accounts of the Commissioners had already been scrutinized with considerable sharpness by the Auditor General, between whom and them there had been some unpleasantness. His scrutiny had shown that nothing had been passed over that could possibly be objected to. There was, for example, an error of 7*d.* in some Order, and they were called upon to recover the capitalized value of this sum, which would probably have caused an expense of £20. Not that the Auditor General had exceeded his duty; but his duty had certainly been most effectually done, and with no possible leaning towards the Commissioners. No doubt, as he had said, the ultimate liability of the Commissioners exceeded by £2,000,000 or £3,000,000 the estimate made by the right hon. Gentleman the Member for Greenwich when he first introduced his Bill, before opposition was bought off by concessions, everyone of which meant the addition of a large sum to the estimate of liabilities. Besides, in comparing the compensation paid to the clergy with the tables set forth in the Report of 1869, it should be borne in mind that it was the interest of the clergy in 1867-8 to make their incomes as low as possible, and thus when the claims came to be paid off, it was found that there were more than had been calculated. There was he (Mr. Law) submitted no ground for issuing another Commission, with the object of founding some charge against the Commissioners, who had performed their very onerous and troublesome duties with most entire uprightness and integrity, and with very great ability.

CAPTAIN NOLAN, in supporting the Motion, said, he thought the hon. and

learned Gentleman who had just sat down had discharged his task with great ability; but he could not help thinking it rather extraordinary that none of the right hon. Gentlemen who spoke last night so strongly from the front Opposition bench against the fractional deficit in Savings Bank interest which then occupied the attention of the House, had come forward to-night, when the deficit was even larger than the £2,000,000 or £3,000,000 admitted by the hon. and learned Gentleman. There appeared to be an actual deficiency of £4,300,000, as compared with the estimate of the right hon. Gentleman the Member for Greenwich. He (Captain Nolan), however, would rather deal with the speech of the hon. and learned Member for the University of Dublin (Mr. Gibson). He asked what right had the hon. Member for Dundee (Mr. Jenkins) to deal with this question; and he (Captain Nolan) had been asked the same question. His answer was, that he had to pay tithes towards this fund. He believed that if the Commission were granted, this matter would turn out to be a great financial scandal. The Irish Church had been disestablished, but it had been only nominally disendowed. £400,000 had been given to Maynooth; but £12,000,000 had been given to the Irish Church for the life interests, and so on, so that for every shilling given to Maynooth there were 30*s.* given to the Irish Church; whilst of Catholics was a population of 3,500,000, and of Protestants only some 800,000. In reality, it amounted to this—that a Royal Commission would discover to what extent it was still endowed; and whatever it still retained of endowment was not private property, but was State property, about which it was perfectly right that inquiry should be made. If there had been but partial disendowment, the Roman Catholic Church might fairly come forward and ask for endowment. His stand-point was, that there was a large public fund, of the help of which Ireland stood very much in need. She wanted endowment for education—for her Universities and for intermediate education—and, then, if there were anything to spare, for the relief of the local rates. The people thought they were being defrauded if their funds were being given away to a disendowed Church, or in over-compensation to private individuals. It was said that a

large number of curates were ordained in order to increase the claims for compensation, and a great many stories were told about clergymen being encouraged to set up claims they had previously no idea of, and about land being sold at an unfair price to Protestant landlords, for the sake of putting additional Protestants in the parish. The impression produced was, that the Commission had realized as little as possible, and dealt as liberally as possible with what they had realized. By refusing the inquiry they would be practically filching £3,000,000 or £4,000,000 from the people of Ireland. It had been asked why should the acts of the Ecclesiastical Commissioners be dragged into the light of day by a Royal Commission, when they were really dealing only with the property of the Church, and not of the public. That was the very point at issue, and believing that the appointment of a Royal Commission would have a most beneficial effect, he would vote for the Motion of the hon. Member for Dundee.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, that the hon. Member who introduced the Motion might congratulate himself on having elicited a very full discussion, but could not congratulate himself on much more, seeing that his speech, in spite of its undoubted ability, was received with indifference if not dissatisfaction throughout the House. He could not understand why the hon. Gentleman should make himself the champion of this attack on the Disestablished Church of Ireland. He was aware that in this country a strong feeling existed in the minds of some against Established Churches; but he did not think until tonight that such a feeling would be found to follow an Established Church to the grave. He rejoiced, however, that with the exception of the hon. Member who seconded the Motion, and the hon. and gallant Member who spoke last (Captain Nolan), not a single Member who had taken part in the debate had spoken in any spirit of antagonism to the Disestablished Church of Ireland. It was not his duty to defend the Act of Parliament which disestablished the Church, or the machinery by which that Disestablishment was effected. But as an official of the present Government, it was his duty to defend, in the execution

of their office, those who were entrusted by Government with difficult and responsible duties, and it was because he believed there was not any foundation whatever for the wild language used by the Proposer of the Resolution in attacking the Ecclesiastical Commissioners in Ireland, that he asked the House not to consent to the issuing of a Royal Commission to inquire into their conduct. It was not his intention to follow the speech of the hon. Member in detail. The House had already heard the answer given by his hon. Friend the Member for Downpatrick (Mr. Mulholland) in his clear, calm, and luminous statement, and also the reply of his hon. and learned Colleague (Mr. Gibson), as well as that of the Law Officer of the Crown of the last Irish Government (Mr. Law), who was thoroughly acquainted with the policy and intention of the Act and the manner in which it was to be carried into effect, and who had assured the House that there was no ground for the charges made by the hon. Member for Dundee, who must be admitted to have distinguished himself as an officious volunteer. It was not for him (Mr. Plunket) to add anything to the praise bestowed upon the Ecclesiastical Commissioners. One of them, now no more, had been his friend, and there was no man in Ireland whose character for probity and for business capacity stood higher. Another was a noble Lord who had held high office at home and abroad, and the third was a learned Judge who occupied an eminent position on the Irish Bench and was respected by all parties. This learned Judge and this noble Lord were accused of lavishing the funds of the Irish Church on objects to which they ought not to be applied; and the object of a Royal Commission, if granted, would be to inquire into some mismanagement or misapplication of the funds. He did not gather from the hon. Member whether the charge was legal misinterpretation, or merely financial carelessness, or excessive liberality in the distribution of the money. But if the accusation was that the law had been wrongly administered, he could only say that the greatest care had been taken by those who had drawn the Act that no such thing might happen. Not only did they name a most able lawyer as one of the Commissioners, but they gave an appeal from their decision. No

*Captain Nolan*



doubt the decisions of the Commissioners had been sometimes reversed on appeal; but, more frequently, in the way of increasing their award than in the opposite direction. As his hon. and learned Friend had said, they could not go on appointing one Royal Commission after another to inquire into those questions, and it would be perfectly antagonistic to the whole spirit of the Act to subject the legal decision of the Commissioners to review by a Royal Commission. Besides, it was the duty of the Auditor General to inquire into these accounts; and the Report of the Ecclesiastical Commissioners, with the criticisms of the Auditor General, was year by year laid before this House and subjected to the scrutiny of the Committee on Public Accounts. In fact, their periodical Report was now under the scrutiny of that Committee, and the House was therefore asked to appoint a Commission to deal with a matter which was already under the consideration of the House. Another part of the attack of the hon. Member was directed against what he might call the domestic administration of the funds which had come into the hands of the Disestablished Church. But what the Church was doing at present was paying out of her own funds and out of the subscriptions of her members life incomes to the clergy to whom compensation was given under the Irish Church Act. He was sorry that his hon. and gallant Friend the Member for Galway (Captain Nolan) should have spoken as if the Church was thus appropriating what did not belong to her but to the public.

CAPTAIN NOLAN explained that what he said was, that any sum given to the clergy above the value of their life interest was public property, but that the value of the life interest was private property.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, it had been arranged by the greatest financiers of the day and upon the most accurate calculations, that the value of the life interest only should be given to the clergy, together with that 12 per cent which had been added by the unanimous consent of all parties to save the country from the expense of carrying out the arrangements. Nothing could be further from the truth than to suggest that

money now being gathered from private resources by the Disestablished Church partook in any degree of the character of a public endowment. There was abroad in England a wide-spread notion that the Irish laity were dissatisfied with the conduct of the Irish clergy. Now, Mr. Bence Jones stood absolutely alone as an Irish Churchman in the opinion that there was any feeling of resentment or distrust between the laity and clergy of the Disestablished Church in Ireland. He (Mr. Plunket) had had ample opportunities of testing opinion among both clergy and laity, and though differences of opinion existed upon religious subjects, as must always happen in every healthy, vigorous Church, it was a mere delusion to suppose that any difference of interest was felt to exist or that there was any discontent whatever on the part of the laity towards the clergy. Speaking as a member of the Disestablished Church, there was nothing in the transactions referred to by the hon. Member for Dundee of which they need be in the least degree ashamed. All their affairs were discussed in open Synod, and were reported in the public papers. They concealed nothing, and had no desire to conceal anything; but he should resist the appointment of a Royal Commission to inquire into their domestic affairs. Many of the points mentioned by the hon. Member had been embraced in the Reports of the Ecclesiastical Commissioners, and would be thoroughly investigated and sifted by the Standing Committee on Public Accounts. But no foundation had been laid by any of these charges for issuing of a Royal Commission, and no ground whatever existed for such an inquiry.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 148; Noes 34: Majority 114.

#### ARMY—THE DUBLIN MILITIA DEPOTS. OBSERVATIONS.

MR. MELDON rose to call attention to the Correspondence which passed in 1873 and 1874 between a Special Committee of the Benchers of the Honourable Society of Kings Inns in Dublin and the late Lord Lieutenant and Lords Justices of Ireland on the subject of the



removal from Henrietta Street, Dublin, of two Militia Depôts quartered there for recruiting purposes, and also to a Return ordered by this House to be printed on the 23rd day of March 1875, exhibiting the amount of Stamp Duty paid during each of the past seven years by Law Students in Ireland, and the amount of Stamp Duty for the same period paid on foot of the Indentures of Attorneys' Apprentices in Ireland; and to move—

"That the maintenance of the Militia Barracks as used and occupied in Henrietta Street, Dublin, in immediate contiguity with the Law Library, King's Inns, and other buildings in possession of the Honourable Society of King's Inns, the Law Chambers provided for the accommodation of members of the legal profession and law students, is injurious and prejudicial to the interests of private property, the peaceful enjoyment by the members of the legal profession of their law library and chambers, to the property of the Honourable Society of King's Inns, used for public purposes of the utmost consequence, the study of the law and the administration of justice, and should be discontinued."

The law library and other buildings for purposes of legal education were erected at a time when Henrietta Street was most suitable for that object, and they had expended about £82,000 on them; but it was idle to suppose that legal education could be carried on there if these Militia barracks were to be continued. Under existing conditions, the street in question, through which the members of the legal profession had to pass on their way to their chambers and their library was frequently thronged with recruits and their followers, it was made a perpetual play-ground not only by the children of the Militia but by numbers attracted from the district to participate with the Militia children in their uncontrolled games and sports, to the great obstruction of the street. The old Marshalsea, which was now empty, might easily be utilized for the purpose of Militia barracks. Under those circumstances, he hoped the Government would re-consider the matter.

MR. LAW supported the proposition. It was a very serious matter to the Benchers of King's Inns, whose property had become depreciated year by year, and who were put to great inconvenience in consequence of the existence of these depôts. He hoped, therefore, the Government would re-consider the matter, and take steps to have the depôts transferred.

*Mr. Meldon*

MR. GATHORNE HARDY said, that he found that his Predecessor in office had considered this question on the invitation of Lord O'Hagan, and yet, in spite of the pressure put upon him, Lord Cardwell did not think he was in a position to, and, indeed, distinctly declined to, interfere because he found these houses convenient for the Militia, and because he could not find sufficient space available elsewhere. The Benchers of King's Inns should, when they purchased the adjacent property, have secured themselves against any nuisance by buying these houses. That they did not do, and yet it was worthy of remark that this so-called nuisance had existed for 12 years before any complaint was made about it. The question was one which could hardly be advantageously discussed in Parliament. However, some documents had been sent over by the Lord Lieutenant to the War Office, and he would take care that the matter should be carefully inquired into.

SIR JOSEPH M'KENNA expressed his satisfaction at receiving this assurance. From personal knowledge he assured the House that the barracks in Henrietta Street were complained of as great nuisances to the neighbourhood.

SIR PATRICK O'BRIEN also hoped that the Government would consider the propriety of removing the barracks from Henrietta Street at an early date.

#### POLICE (METROPOLIS)—SICK OR DRUNKEN PERSONS.—OBSERVATIONS.

SIR WILLIAM FRASER, who had a Notice on the Paper to move for an Address for—

"Copies of the evidence taken before Mr. Coroner Bedford, on the 27th of April last, of the inquest held on the body of Charles Farmar, found in the streets; and who, being suspected of drunkenness by the police, died on the same day of typhus fever; of the evidence taken before Mr. Hardwicke, also on the 27th of April last, on the body of a woman, supposed to be Harriet Alice Hardy, found by the police when dying in the street, and charged by them with drunkenness, who expired on the same day from apoplexy; of the expressed opinion of the coroners and juries in both cases; and, of the verdicts,"

said, that a division having been taken on a previous Motion in connection with Supply, he should merely call attention to these cases. The first case to which he referred was that of Charles Farmar,

who was found by a man named Mason, a builder, in Grosvenor Gardens, Pimlico, and by him taken to the police station in Rochester Row. From the police station Farmar was removed to the workhouse, where he was found to be suffering from typhus fever. Tea and brandy were administered to him, and he died on the same day from typhus fever, as shown by the *post-mortem* examination. It appeared also, from the evidence, that the deceased had got away from his lodgings while suffering from the delirium of fever. Inspector Eastwood, when the man was brought to the station, said if the police had refused to bring him it seemed strange a "civilian" should interfere, a most objectionable epithet for a policeman to employ; and, at the inquest, he stated that at first he thought Farmar was drunk, but subsequently, believing he was ill, ordered his removal to the workhouse. He also stated that he thought the man not ill enough to prevent his walking to the workhouse, though, as the result showed, the deceased died two hours afterwards of typhus fever. It was stated by Dr. Bond to be the duty of the police to call in the divisional surgeon in all doubtful cases, as well as in cases of serious illness or of accident; and this brought him to the point to which he wished more particularly to direct attention. It seemed a most reprehensible practice for policemen or inspectors to take it upon themselves to settle whether a man was drunk or suffering from illness. The police were very imperfectly educated, and inspectors themselves only came from the ranks. Even a man of education could not be trusted to decide such cases unless he had medical knowledge, and it was a serious matter that the police should do so, seeing that to lock a man in a police cell while suffering from illness was the surest way to kill him. The second case that occurred was that of a woman named Hardy, who was found in a state of semi-insensibility; she was taken to the police station, was charged with drunkenness, thrust into a cell, and, on the same day, died, though not in the cell, of serous apoplexy, frequently the result of starvation. Both these inquests were held on the same day, and the most careless reader of the newspapers could not but be struck with the off-hand manner in which persons were treated who dropped down in the street. If the

police, paid servants of the ratepayers, found a man rather obscure in his intellect, or incoherent in his language, they thrust him into a cell, far worse in its condition than any that might be found in Venice. Such a proceeding was most unjustifiable; and he could not believe that the people of this country would tolerate such conduct on the part of the police as the reports of the inquests disclosed.

SIR HENRY SELWIN-IBBETSON said, he had obtained from the police their version of the story, which differed in some respects from that which the House had just heard. It appeared that the man Farmar was treated with every consideration. He was not put into a cell. After being brought to the station he walked up and down a room, and when the inspector found he was ill and proposed to send him to the workhouse, he asked permission to walk home. This was granted, and a constable accompanied him; but Farmar could not find his home, and he was then taken to the workhouse, where he died. At the inquest, the verdict was "Death from natural causes." The woman Hardy was found lying on the pavement, apparently drunk, and was taken to the station. There she was seen by one of the most careful inspectors in the police force. As she smelt of drink, and stated herself that she had been drinking, she was confined till next morning, when she was brought before Sir Thomas Henry and discharged. A police constable was accompanying her home, when she said she had no home, and the officer then took her to the workhouse. The verdict of the jury was that she had died from the effects of drink and want of food. The superintendent of the division stated that the case, unfortunately, was not a solitary one. Even medical men, sergeants and inspectors of police, found it as difficult as constables to determine whether a man was drunk or suffering from illness; and he believed that from the number of cases coming under their notice, constables might be as well able as medical men to decide the fact. The police authorities themselves were more than anxious that these cases should be carefully watched, and if anything more could be done to bring medical knowledge to bear upon them the Home Secretary would gladly give the necessary consent and instructions.

THE TICHBORNE TRIAL—CONDUCT OF  
THE LORD CHIEF JUSTICE.

QUESTION. OBSERVATIONS.

MR. WHALLEY rose to call attention to recent speeches of the Lord Chief Justice at public banquets and elsewhere, imputing to those who take part in efforts for inquiry as to the Tichborne Trial that they are seeking for their own purposes to undermine public confidence in the administration of justice; and to ask the Secretary of State for the Home Department, Whether in refusing to comply with the Petitions for such inquiry, and especially as to Contempt of Court, he is acting with the approval or assent of the Lord Chief Justice? [An hon. MEMBER: Speak up!] It has often been my misfortune to offend against that unwritten law of Parliament. ["Oh, oh!"] For many years I have submitted to such unseemly interruptions. I am accustomed to the difficulty. I would suggest, however, that there is something in the position of a Member of this House—one of 25 years' standing—which should suggest to hon. Members that he ought not to be snubbed or treated with indignity by persons clothed "with a little brief authority." I think every Member of this House is entitled to respect, and those who do not concede that to others tacitly admit that they themselves are not entitled to it—not to say deserving of it. I assure the House that I shall not detain them by any elaborate argument to convert them to my opinion with respect to the Tichborne Case, nor of the conduct of the Lord Chief Justice in his conduct of that case. I hope the right hon. Gentleman will give an answer to my Question consistent with the courtesy due to Members of this House and his high authority. ["Question!"] [The hon. Member accordingly read the Notice, amid great confusion.] Well, to proceed, I am not about to dwell upon the speeches of the Lord Chief Justice in various parts of the country. As to whether they were good or bad, the House will form its own judgment and take its own course. In my opinion, the Lord Chief Justice has violated all precedent in the administration of the law, and done much to bring the law into contempt. ["No, no!"] The hon. Gentleman who has interrupted me will remember what the Secretary of State

for the Home Department said when questioned upon the matter. He said he did not wish to be informed. Innumerable Petitions on the matter had been forwarded to the right hon. Gentleman, but he did not wish to be informed. There was not a single Member of the House but myself who desired information on the subject. [Laughter, and "No!"] Then, why did not the hon. Member who says "No" vote for the inquiry? I do hope the hon. Member will take notice of the conduct of the Lord Chief Justice with respect to what is called "Contempt of Court." I challenge any hon. Member of the legal profession to say that the law in that respect, as administered by the Lord Chief Justice, was not a direct violation of the law, of precedent, and the Constitution. It was unprecedented in the legal history of this country. ["No, no!"] Let any hon. Gentleman of any weight in this House rise and say that the Lord Chief Justice should inflict fines and imprisonment under the circumstances which he did at the Tichborne Trial. The Chief Justice was not satisfied with inflicting fine and imprisonment on myself and others; no, he thought fit to go about the country to denounce us in language which almost equalled in virulence and intensity that which has been used by the hon. Member for Stoke. He said that all who were opposed to him were uneducated, infatuated vipers, and the scum of society. At the Needlemakers' dinner, because I and those who act with me, supported, as we are, by 500,000 of the people of this country, from an absolute and certain knowledge, believe in this Claimant's innocence, we are to be attacked in this manner. The right hon. Gentleman himself knows that he is innocent. ["Order, order!"]

MR. ASSHETON CROSS: I put it to you, Sir, and the House, if that is a proper expression to be used.

MR. SPEAKER: The hon. Gentleman is clearly out of Order, and I hope he will be more careful in his language.

MR. WHALLEY: I most unqualifiedly withdraw it; but let the right hon. Gentleman explain the real circumstances to the House why he refuses the information. The right hon. Gentleman had affidavits and correspondence in his possession to convince him that the man now in Dartmoor Prison is not guilty. I trust the House in its impatience

will not sacrifice the rights and privileges of private Members. The Lord Chief Justice said at the dinner to which I have alluded that we have been exciting and getting up this agitation of the question in order to undermine the confidence of the public in the administration of justice. But he goes further than that, for he says that we have been doing it for our own purposes. Now, I ask the right hon. Gentleman the Secretary of State for the Home Department, whether the inquiry asked for by 200,000 or 300,000 people would not disprove that statement. When the Lord Chief Justice makes this statement imputing to me and others the greatest offence that can be committed, I ask the right hon. Gentleman if he communicated to him that he had documents in his possession which would prove his statement to be groundless, or whether he had consulted the other Judges by whom the case was tried? We have had correspondence from Australia and all parts of the world to show this man's innocence, and is the right hon. Gentleman justified in refusing an inquiry and insulting an hon. Member? ["Order, order, order!"]

MR. ASSHETON CROSS again rose to Order.

MR. SPEAKER: The hon. Gentleman is entirely out of Order. I must call upon him to be more guarded in his language.

MR. WHALLEY: I will withdraw the words. The right hon. Gentleman said, on a former occasion, that I and those who acted with me in this matter knew all about the papers and correspondence sent to him, and more than that. Did the right hon. Gentleman mean to say that I have been seeking to undermine the foundation of the administration of public justice? I do feel that he is called on to justify his statements. When the trial of this unfortunate man first commenced, I said I would go through the country and beg from door to door to enable him to defend himself. Well, I have done so; and my conduct has met with the approval of my constituents. The result of the course I have pursued is that I have been imprisoned, and that this unhappy man has not had a fair trial, inasmuch as from want of funds he has been unable to bring up 200 witnesses who would have given evidence on his behalf. ["Question!"] It is the Question, because you can only

get the information from me, and how can you get it, unless you listen to what I have to say? I acted with the best of my ability, and as I may again have to defend myself before my constituents, and possibly throughout the country wherever my unhappy name is known, it is right I should give an explanation. I will go among them again, and indignantly deny that I have endeavoured to undermine the administration of justice for my own purposes. I wish to know whether the Lord Chief Justice had any personal claims on the confidence and respect of the House and the country to justify him in assailing me or any honest and honourable man who has signed those Petitions to the number of 500,000? I have no desire whatever to do an injustice to the Lord Chief Justice, whose talents and ability I fully acknowledge; but I want to know whether or not he is a consenting or approving party to the refusal to inquire into the exercise of the power to arrest and imprison for contempt of Court. That is the object of my Notice. It has been my object to maintain public confidence in the administration of justice, and to vindicate it from the errors, or whatever they may call it, that have crept into it. ["Divide, divide!"] I am not disposed to sit down under that imputation. And in the event—["Divide, divide!"]—in the event—["Divide, divide!"]—in the event—["Divide, divide!"] Well, I do not know that it matters much, and, perhaps, I have said enough; but I was going to say that in the event of my having to address my constituents or some other body—and since the trial I have not attended any public meeting—I shall have to consider that charge of the Lord Chief Justice; and I wish to know whether I can excuse him publicly from what I shall consider a serious aggravation of his exercise of power, he having been an assenting or approving party to refuse inquiry into it.

MR. ASSHETON CROSS said, he was not going to enter into any discussion upon this question. He regretted that the hon. Gentleman had thought it his duty to bring this matter before the House again. He had, he believed, in the course of the present Session and the last answered more Questions of the hon. Gentleman than those of any other Member of the House whatever, and he put it to the House whether from the first day he held the office he had the honour to hold



he had ever treated any hon. Member with discourtesy. That afternoon he did state what he believed to be true—namely, that, with the exception of the hon. Gentleman himself, there was no Member of the House who desired to obtain further information about this case. He gave the hon. Gentleman credit for knowing a great deal more about this case, because he had attended to it for so long a time, than was contained in any documents at the Home Office. As far as he (Mr. Cross) was personally concerned, he had acted on his own responsibility, and from beginning to end he had treated this case precisely as he had treated every other criminal case that had been submitted to him as Secretary for the Home Department. He had paid particular attention to it, as he had to other cases. He had read every document that had been presented to him on the subject, and without giving the names of those whom he might have consulted in this or any other case, he could say distinctly that it was solely on his own responsibility that he advised Her Majesty how to deal with it. He did not think he should be justified in occupying the time of the House any further.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

Motion, by leave, *withdrawn*.

Committee *deferred* till *Monday* next.

#### INCREASE OF THE EPISCOPATE BILL.

[*Lords.*] (*Mr. Beresford Hope.*)

[BILL 110.] SECOND READING.

Order for Second Reading read.

MR. BERESFORD HOPE, in moving that the Bill be now read the second time, said: Mr. Speaker, I feel that I may save the House a good deal of trouble by assuring it that this Bill is, in fact, supplementary to one which it passed a short time ago by a majority of more than 200. It carries out the principle which was so emphatically affirmed not only in the votes, but also in the speeches made upon the St. Albans Bishopric Bill; and among the hon. Members on whom I shall call to support the principle of the Bill—if he has any consistency in him—is my hon. and learned Friend opposite the Member for the City of Oxford (Sir William Harcourt). Now, the principle which the House has affirmed in the St. Albans

*Mr. Ascheton Cross*

Bishopric Bill is that, where the increase of the population manifestly shows that the governing power of the Church is weak, and that there is not sufficient Episcopal superintendence consistently with area and numbers, and where proper means are forthcoming from any dependable quarter, then the State, acting in concert with the Church, may divide an existing diocese and found a new Bishopric; and, further, although a complete organization of the diocese, with a Dean and Chapter, and other arrangements are very desirable, yet that the first step which should be taken is the appointment, pure and simple, of a Bishop. That is the principle which is laid down in the St. Albans Bishopric Bill, and that is the principle carried out in this Bill, which—as all know—was passed by the House of Lords without a single division, with the support of both parties, of persons of highest position in the State, and of the heads of the Church. This Bill of mine, which I now hold in my hand, carries out that principle; but it is only an enabling measure, and it only contemplates Sees being founded where everything is ready, and, in particular, where the Government and the Ecclesiastical Commissioners are satisfied that they are wanted, and that the means are forthcoming to set them up on a proper footing. Let me repeat—the Ecclesiastical Commissioners are the operative body in the introductory stage; and who are those Commissioners? The leading personages in Church and State; men of the highest rank and position in both; members of the Peerage, members of the Episcopate and other exalted Churchmen. This body was the creation of Parliament: it was deliberately accepted by the people and the Church; and during the lifetime of many in this House they have been the body to whom we have had to look for administrative functions in regard to the great constitution over which they watch. I cannot, therefore, conceive a stronger or better safeguard than the approbation of the Ecclesiastical Commissioners. By the 3rd clause of this Bill, it is provided that the Commissioners may—

"Prepare schemes for the erection of new bishoprics in England and Wales, by the division of any diocese then existing, such division or union to take effect upon the consent of the Bishop or Bishops of the diocese or dioceses affected by the scheme being given, or otherwise upon the avoidance of the diocese or dioceses



affected by all such Bishops as do not consent to such scheme."

By that it is clear that the Commissioners must be satisfied that the scheme is a feasible one. Then the 5th clause relates to schemes for the creation of caputular bodies, and the 10th enacts—

"That nothing in this Act shall authorize the Commissioners to apply any portion of their common fund towards the endowment or maintenance of any Bishop, dean and chapter, chapter, or other office erected or created under the provisions of this Act."

We know that in former debates on the Increase of the Episcopate, and notably in the debates which preceded the foundation of the Bishopric of Manchester, the question very materially turned on whether the Episcopal fund in the hands of the Commissioners was or was not applicable to the development of the Episcopate. I did not, then, and cannot now, see any great objection to that; but other persons did, and do see an objection, and in the Bill which I hold in my hand the utmost regard is paid to that opinion, and it is specially enacted that that fund shall not be drawn upon for the purpose. The 12th clause is one of the most important clauses of all. It relates to the material guarantees which are to be provided as the necessary conditions antecedent to the approbation of the Ecclesiastical Commissioners. Its short title is this—

"No scheme to be submitted for confirmation until sufficient moneys transferred to the Commissioners for securing Bishop's income, nor take effect till laid before Parliament."

This clause, as I need hardly point out, assumes the approbation of Her Majesty in Council, or, in other words, of the Ministry, which is in itself a most sufficient safeguard. Then, the happy expedient of laying the scheme upon the Table of this House and of the other House of Parliament for six weeks—during which my hon. and learned Friend opposite would have ample opportunity of bestowing his acute criticisms upon it—following as it does upon the regulation which makes compulsory the provision of sufficient money and means, creates a moral impossibility that any scheme for founding a new Bishopric could, as I have heard it insinuated, be of a Quixotic or ambiguous character. Of course, Her Majesty's consent comes in as the final constitutional conclusion of the procedure. The 15th clause carries out the provision contained in the Manchester Act, and in the St.

Albans Bill, which is also embodied, that the number of Bishops having seats in Parliament is not to be increased. At present, as we all know, there is one junior Bishop out of Parliament, and in a few weeks there will be a second junior also out of Parliament; and when the Bill, of which I am now moving the second reading, becomes law, the number of junior Bishops out of Parliament will be increased by the number of Bishops created under this measure. That is a principle which, I think, has been very emphatically affirmed by the House. It was so affirmed in the case of the Manchester Act in 1847; and again, this Session, when my hon. and learned Friend the Member for Salford (Mr. Charley) called attention to the subject, and with great gallantry advocated the admission of all the Bishops to seats in the House of Lords, but I think he will agree with me he very conspicuously failed to carry the opinion of this House with him. The only objection which it seems to me can be made to this Bill is, that it simply represents an idea, and that it will not be operative. Let us see how much this is worth. In a country like this, which has produced such splendid specimens of munificence; whether as amongst Church people, we recall such names as Akroyd or Burdett Coutts, associated with the foundation of several Bishoprics in the Colonies; or among Dissenters, such as a Josiah Mason, or a Titus Salt, I say that any such sordid idea ought not to be harboured, no, not for an instant; for the heart will be open when the law has opened a way for the heart to carry out its good intentions; and I believe if the work is a great and a good work, that we shall have good and great men coming forward to bring it on to a successful issue. In the autumn of last year, did we not see the great town of Liverpool, the second town in England, meeting together and determining that it would have its own Bishop; and do you not think that, having the will, Liverpool will find the way to give practical effect to this Bill when once it has become law? Have we not also heard that this very day a numerous and influential deputation from the great counties of Devon and Cornwall has made an application to a high authority, and asked that Her Majesty's Government would give their support to this measure in its passage through this House, so that the immense diocese of Exeter may

be divided and the people of Cornwall have a Bishop of their own? And I understand that several sums have already been offered and given for the purpose of helping on the work in the event of the Bill passing into law. It may be said that the small number of Petitions presented to the House in favour of the Bill indicates that the Church is apathetic in the matter. But that I deny, and refer the objector to the Petition which I just now presented to the House, and which is signed by sixteen Deans—Hereford, Rochester, Chichester, Norwich, Lincoln, Canterbury, Winchester, St. Paul's, York, St. Asaph, Manchester, Exeter, Salisbury, Ely, Lichfield, Llandaff—two-thirds of the whole of the Deans of England, men whose names represent all parties in the Church, distinguished High Churchmen, distinguished Low Churchmen, distinguished Broad Churchmen; as representative a body as you could possibly produce of the most eminent, learned and devoted clergy in the Church. I do not refer to my swarm of Archdeacons. I suppose that my hon. and learned Friend the Member for the City of Oxford will oppose this Bill, as I see he has put a Notice down upon the Paper for its rejection. Why he has done so I do not know. He said something the other day about its not being an Erastian Bill; while he gave his support to the St. Albans Bishopric Bill because it was Erastian. My unfortunate Bill is not Erastian in his eyes, and therefore it has fallen under his displeasure. In meeting this objection I am conscious that I stand at a great disadvantage to my hon. and learned Friend; he is so awfully constitutional, so profoundly historical, and so terribly international; and besides, I have never yet learned to ambuscade behind some big swelling word of which I can give one interpretation one day, and if necessary another on another day; while always ready to repudiate anybody else's interpretation, when he tries to nail the man to any definite meaning for that big word. I suppose the idea which was hazily floating before his mind when he broke out with Erastian was, that it meant something or other that preserved the connection between Church and State; but if that is what he meant, his words were ill-selected, though the thing that he meant is a thing which I feel quite

as strongly as he can profess to do. I am as little desirous as he of weakening the connection between Church and State; only I think that that connection is better kept up and maintained by easing the collar where it galls, by giving a little more elasticity, and by meeting laudable tastes and earnest feelings, than by getting up and shaking the old rusty fetters of Tudor despotism before people's eyes. Now, as to this word "Erastian;" what is it that my hon. and learned Friend wants? Is not the Ecclesiastical Commission Erastian enough for him? Whom could he have better to sit in judgment on these schemes for the erection of new Bishoprics than the Ecclesiastical Commissioners? Again, the Queen's leave is to be obtained. Then every scheme has to lie six weeks on the Table of each House of Parliament, and surely the most rigid Erastian would be hard to please if six weeks here and in the House of Lords would not be sufficient time to secure the purification of any scheme from sacerdotal taint. This objection, therefore, I do not think will hold good for one moment. The Bill is an important one. It is looked to with great interest by many people in the country whose feelings and views are entitled to our highest respect, and in justice to them I could not get up to-night and perfunctorily move the second reading. We all of us know, and feel pride and satisfaction in the fact, that the National and Established Church of England has rooted itself in the confidence and affections of the people of our generation, as it had never done in former times. We feel and acknowledge that this National Church is, under Divine Providence, an engine of infinite good to the people of the country in which it is established; and the people of England feel that, in order to develop and confirm that good, the governing and regulating power of the Church of England should be strengthened and increased. They also feel that there are certain spiritual ministrations which, according to the principles and doctrines of that Church, can only be performed by the highest order of the clergy. Looking, then, at the administrative and spiritual functions of the Episcopacy, we find that, whilst the population of England has doubled in a few years, only one Bishop has been added to the number, while a Bill has just passed this House adding

*Mr. Beresford Hope*

a second recruit to the Episcopate, the increase of which ought, undoubtedly, to bear a little more relation to the increase of the population than it has yet done. The Church of England has come before Parliament on this occasion with only an enabling Bill, with nothing to lean on but the spontaneous good will of its devout and more munificent members. That Bill has passed through the other House without a single division, and I ask the House of Commons now to read it a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Beresford Hope.*)

SIR WILLIAM HARCOURT said, he could assure his hon. Friend that he had no desire to enter into any personal controversy with him. Although they arrived at it by different paths, they had a common object—to maintain and enlarge the efficiency of the Church of England; and, though the word Erastian grated on the ears of his hon. Friend, still in seeking to attain their object his hon. Friend ought not to refuse the support even of an humble Erastain. His hon. Friend had referred to the Tudors, but did he remember that it was the House of Tudor that established the Reformed Church of England, that the Stuarts almost destroyed it, and that the House of Hanover had happily succeeded in re-establishing that Church upon principles which were rooted in the affections of the nation? His hon. Friend would, therefore, allow him to prefer the principles of the Tudors and Hanoverians to those of the Caroline divines, of which he was so great an admirer. He would proceed to give some reasons why he did not think that this was a wise and prudent Bill in the interests of the Church. The Bill was founded upon the supposed spiritual destitution of the country in regard to Bishops; but his hon. Friend had not shown that the supply of Bishops was smaller than the demand. In London this deficiency of Bishops was not so observable, because if you went by the Athenæum Club, every other Gentleman you met wore a shovel hat and an apron. If hon. Members, however, resided in their dioceses they might be more struck by the absence of Bishops. Assuming, however, that more Bishops were wanted, they should provide a cer-

tain and effectual remedy for that spiritual deficiency. But the Bill provided no definite scheme for increasing the Bishops. The Church had large funds, and why could not the new Bishoprics be supplied by the agency of the Ecclesiastical Commissioners as in 1847? If the Bill passed, those who wanted more Bishops would be as far as ever from having them, because, although they would have got a Bill, they would have got no funds. It was as if Parliament were asked to pass a Railway Bill which proposed to sanction a line from anywhere to anywhere, and where there was no capital, no subscribers, and no directors. It was, in fact, a kind of Episcopal Provisional Order Bill, by which an unlimited number of Bishops were to be created, no one knew where, and supported no one knew how. That was a sort of ecclesiastical kiteflying which ought not to be encouraged by the House. His hon. Friend had referred to various splendid instances of munificence displayed by members of the Church, but there was one other name he might have mentioned, and that was his own, for the Church had no more munificent benefactor than the hon. Member for Cambridge University, and others like him might be found to give their money for this object. But when they had done so, and could come before the House with a measure to create a definite Bishop for definite objects there would be no difficulty in passing the necessary measure. But to issue a Bill in order to raise money upon it was a sort of "accommodation Bill" which Churchmen ought not to attempt to negotiate. Moreover, he was one of those who thought that the creation of a Bishop was an act of State which ought to originate with the Crown and be exercised on the initiative of the Prime Minister of the Crown. He ought to be produced by the direct action of Parliament like the St. Albans Bishop, and not be a private-adventure Bishop such as was proposed to be created by this Bill. The new Bishopric to be created by this Bill, on the other hand, was not to come before Parliament at all. His hon. Friend proposed, he might add, to give the Ecclesiastical Commissioners the power of dealing with the whole of the transactions under the Bill, which was practically to hand them over to a soli-

citor residing in Whitehall Place. The Commissioners were to be at liberty to cut up the whole of the dioceses in England at their pleasure. Now, a diocese was rather an important division of the country, and he thought that to delegate to them so extraordinary an authority would be a very injudicious course to pursue. But when they had cut up a diocese, what were they to do? They were to declare the amount of the endowments of the new Bishops, and to recommend the apportionment of patronage among them. Such a recommendation was, in his opinion, a very delicate affair. Did his hon. Friend mean that the new Bishops were to have the same endowments as the old? If he did, whoever made them, even supposing it to be his hon. Friend himself, must be prepared to invest £150,000 in Consols. It was, however, perhaps intended that they should be what Sydney Smith called "gig" Bishops; and if so, it was, in his opinion, very unwise of his hon. Friend to introduce a Bill which would set up a class of poor, living side by side with a class of rich, Bishops. If that course were adopted, it must lead to a considerable re-distribution of the incomes of Bishops, and he thought his hon. Friend would find that some of his ecclesiastical supporters in the other House would be rather cool in their approval of a measure upon which they were already reproached with having thrown cold water. His hon. Friend laid stress on the Petitions which had been presented from Deans in favour of the Bill; but he was not at all surprised that they should desire to multiply Bishops, seeing that the relations between them were so close. In the 5th clause the Bill proposed that the Ecclesiastical Commissioners should also manufacture Deans and Chapters at their discretion. He spoke of Deans and Chapters with all respect; they belonged to the superfluities and luxuries of the Church, and were justifiable because they existed. The next proceeding under the Bill was to enable the Ecclesiastical Commissioners, by a Provisional Order, to erect an unlimited number of Ecclesiastical Courts, of which he should have thought there was already a superabundant supply. How was the money to be found for the purposes of this Bill? The 10th clause declared that if the Church of England wanted new Bishops,

the funds of the Church were not to contribute. Why? That was directly contrary to the principle of the St. Albans Bill. The 12th clause declared that the new Bishops which the Church required should be founded by voluntary effort. That was an attempt to graft the principle of a free Church on the Church of England, and a more dangerous and mischievous principle on the part of those who wished to support the Establishment it was impossible to conceive. The money was to be subscribed; the hat was to go round; the Provisional Order was to be made by the gentleman in Whitehall Place; but—and he must congratulate his hon. Friend on the prudence of his Bill in this respect—the 13th was a kind of winding-up clause for an insolvent speculation; if the money subscribed was not sufficient and the bubble burst, the subscribers were to get back their money with interest thereon. Then, as to the question of seats in the House of Lords, was Parliament going to refer to gentlemen in Whitehall the manufacture of an unlimited number of Bishops, with a *paulo post futurum* right to sit in the House of Lords? It was a matter which deserved consideration whether Parliament was to put the creation of Peers in commission in that way. He opposed this Bill because it was both unwise and unnecessary. It was unnecessary, because if his hon. Friend who desired to create these new Bishops would only provide the necessary funds, he would have no more difficulty about the matter than there was about the Bishopric of St. Albans. But, if people went begging about the country, many would ask why it was necessary for Bishops to have large country and town houses, kept up at an enormous expense. He believed that the policy adopted in 1836 gave the Church a new lease. Under that Act, power was given to constitute new Bishoprics under certain conditions, and the incomes of the Archbishops and Bishops were reduced to effect that object. If a Bill for the creation of new Bishops was needed, it must be a Bill for the reform of the Bishoprics of the Church of England. Let the Government, then, say that there was not a sufficient number of Bishops, and that the Church must not be dependent on voluntary subscriptions when the resources of the Church were sufficient to



meet the pressing want. He believed the Church was firmly established; but he did not know how long it would remain so, if they began to tamper and tinker with her constitution. The Bill was neither more nor less than an attempt to combine the privileges of a Free Church with the privileges of an Established Church. These two things were incompatible, and the attempt to realize such an idea would simply end in failure. He thought such a Bill should have been introduced on the direct responsibility of the Government. The hon. and learned Gentleman concluded by moving the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Sir William Harcourt.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. GATHORNE HARDY said, the question raised by the measure was not one involving the connection between Church and State. The hon. and learned Gentleman opposite (*Sir William Harcourt*) had said that the Bill was one which tampered with the constitution of the Church of England, because it proposed that instead of the funds required for the new Bishoprics being provided out of those of the Church of England, they were to be obtained by means of voluntary contributions. The hon. and learned Member further maintained that such an attempt to unite a Free with a State Church must necessarily be a failure, inasmuch as they were incompatible with each other. But the Church of England had obtained her funds originally not from the State, but by means of voluntary endowments, and therefore he saw nothing incompatible with her present position in the new Bishoprics being endowed by voluntary contributions. It had been found necessary of late years to divide the old ecclesiastical parishes, and the result was that instead of our having 10,000 parishes, as was the case 40 years ago, we had now somewhere about 20,000 with their separate endowments, and all this had been done by voluntary efforts. The proposition, therefore, that voluntary efforts were incompatible with the existence of a State Church could not be maintained. Any one who had listened

to the hon. and learned Gentleman would have supposed that the whole working of this Bill was intended to rest upon the Ecclesiastical Commissioners, who would have power under it to create new dioceses and to appoint new Bishops. Such, however, was not the case, inasmuch as all schemes, after being prepared by the Ecclesiastical Commissioners, must receive the sanction, first, of the Bishop whose diocese was to be divided, then that of the Government, then they must lie six weeks before both Houses of Parliament, and, finally, they must receive the Royal Assent before they could be carried into effect. All that the Ecclesiastical Commissioners would have power to do would be to negotiate with the benefactors who wished to endow the new diocese, and to draw up a scheme. If, for example, the town of Liverpool wished to endow a Bishopric, this would be done through the Ecclesiastical Commissioners, subject to the approval of the First Minister of the Crown. He did not think the number of Bishops would be largely increased under the operation of the Bill, neither did he think any wholesale increase in their number was desirable; but it was much better that Bishops should be specially appointed for the government of a diocese rather than Suffragan Bishops should be appointed, as was the case at present. The fact was established that there was great need of Bishops in some parts of the country; while, on the other hand, there were many persons who if they saw a prospect of a new diocese being created would willingly contribute towards its endowment. Under these circumstances, he should support the Bill of his hon. Friend.

MR. STORER said, the great blot of the Bill was the 10th clause, which prohibited the Ecclesiastical Commissioners from using any part of their revenues for the endowment of new Bishops.

MR. DILLWYN opposed the Bill, expressing the opinion that what the Church needed was not an increase in the number of its higher officers, but rather in the number of the curates.

MR. WADDY moved the Adjournment of the Debate on account of the lateness of the hour.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Waddy.*)



The House *divided*:—Ayes 42; Noes 101: Majority 59.

Question again proposed, "That the word 'now' stand part of the Question."

MR. DILLWYN said, he rose to move the Adjournment of the House.

MR. SPEAKER ruled that, having addressed the House on the question before the House the hon. Member was not at liberty to make such a Motion.

MR. H. A. HERBERT then moved the Adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Herbert.*)

COLONEL BARTTELOT thought such a Bill as this ought not to be in the hands of a private Member, and hoped that hon. Members on his own side of the House would consent to an Adjournment, in order that they might have a fair discussion of the measure.

MR. BERESFORD HOPE deprecated these constant Motions for Adjournment, after the House had so unequivocally pronounced its opinion upon the principle of the measure, and trusted that they would not be persevered in.

THE MARQUESS OF HARTINGTON would have preferred to see such a measure in the hands of the Government, and hoped that a fair opportunity of debating it would be afforded the House. He trusted that the debate would be adjourned, but would not recommend another division.

THE CHANCELLOR OF THE EXCHEQUER was unable to hold out any prospect of an early opportunity being found for such a discussion as the noble Lord wished for, and complained of the unreasonableness of hon. Gentlemen opposite in requiring the cream of the evening for everything. In old times this would not have been considered too late to consider a Bill of this kind, and he feared they were becoming effeminate in regard to dealing with Bills at an advanced hour of the evening. It would be only gracious if Members were to allow the Bill to proceed.

MR. HUBBARD hoped the discussion on the Bill would be allowed to be continued.

MR. ERNEST NOEL said, he had voted in the majority, because he believed the adjournment of the debate

simply meant that the Bill should not be read a second time that year.

Question put.

The House *divided*:—Ayes 37; Noes 92: Majority 55.

Question again proposed, "That the word 'now' stand part of the Question."

SIR CHARLES FORSTER moved the Adjournment of the Debate.

Motion made, and Question proposed, "That the Debate be now adjourned." (*Sir Charles Forster.*)

MR. MOWBRAY trusted the hon. Baronet would not persevere in the Motion, seeing that ample opportunity of discussing the Bill would be afforded at future stages.

MR. BERESFORD HOPE reminded the hon. Baronet that they would have an opportunity of raising a discussion on the Motion that the Speaker do leave the Chair, and he must therefore insist on the Bill being then read a second time.

Question put.

The House *divided*:—Ayes 36; Noes 86: Majority 50.

Question again proposed, "That the word 'now' stand part of the Question."

MR. WATKIN WILLIAMS said, the Bill was a most important one, and should not have been brought on for a second reading at 2 o'clock in the morning. He should therefore move that the House do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Watkin Williams.*)

MR. BERESFORD HOPE assented to the adjournment of the debate, trusting that he might not meet with any obstructive opposition on a future occasion.

Motion, by leave, *withdrawn*.

Question again proposed, "That the word 'now' stand part of the Question."

Debate *adjourned* till Monday next.

House adjourned at Two o'clock,  
till Monday next.

## HOUSE OF LORDS,

*Monday, 31st May, 1875.*

MINUTES.]—PUBLIC BILLS—*First Reading*—  
 Intestates Widows and Children \* (113).  
*Second Reading*—Military Manœuvres \* (115).  
*Third Reading*—Seal Fishery (Greenland) \*  
 (80), and passed.

## TRANSPORT OF FOREIGN CATTLE.

## MOTION FOR PAPERS.

EARL DE LA WARR rose to call attention generally to the state of the law with regard to the transport of foreign cattle, and to move for Papers relating to that subject. The noble Earl said he would remind their Lordships that recently he had occasion to put a Question to the noble Duke (the President of the Council) as to whether a statement which appeared in *The Times* of the 22nd of April last relative to the ill-treatment of cattle on board a ship in a passage from Antwerp to Deptford, was correct. The statement had been made by Captain Sloane Stanley, an officer of the Royal Navy. The noble Duke, in his reply, disputed the accuracy of the facts. To that he (Earl De La Warr) could at the time give no further answer, and he felt bound to accept the explanation of the noble Duke; but upon further inquiry upon additional testimony, and upon a second statement by Captain Stanley which appeared in *The Times*, not only confirming the first, but adding that far from exaggerating, if anything he had understated the case, he could come to no other conclusion than that the facts of the case remained unanswered, and that Captain Stanley's report was in everything substantially correct. He would not trouble their Lordships with a repetition of what had already appeared in the public Press, except so far as to establish the case which he desired to bring under their Lordships' notice. In a second letter to *The Times*, dated May 3, Captain Stanley said—

“As the writer of the letter referred to upon the subject of the treatment of cattle, will you allow me to say that, far from exaggerating, I, if anything, understated the case? I have no object except that of humanity in acting as I have done, and I have no interest in the matter beyond that I further believe that most Englishmen witnessing what I did would be of opinion that such things should be put a stop to at once

and for ever. I might in my letter have narrated cases of cruelty to particular animals had I not been fearful of encroaching too much on your space, as, for instance, the violent thrashing with sticks, the twisting of the tail, and dragging by the legs inflicted on a beast that had the misfortune to fall on its side after being released from the slings. This case so excited my indignation that I shouted aloud to those who were torturing the animal—‘For God's sake let the poor beast alone.’ I feel confident that if the superintendent who is ‘noted for his humanity’ had stood by my side on the foredeck of the vessel, from which position I commanded a full view of all the proceedings, he would, as a humane man, have fully endorsed the terms of my letter, unless his perceptions have become blunted by often witnessing such scenes.”

But he (Earl De La Warr) had a further confirmation of these facts in private letters from Captain Stanley, which he would, with their Lordships' permission now read—

“The thirst the poor brutes must suffer from is great, especially between decks, where the temperature is like that of the stoke-hole of a steamer in the Red Sea. I was so moved with pity at the sight of a poor animal that almost dislocated its neck in its frantic efforts to turn its head round to reach with its tongue a part of the deck that was a little damp, that I paid one of the crew to take some buckets of water round to some of the cattle, this one, of course being included.

“The manner in which the poor creatures plunged their muzzles into the bucket and the eagerness that they displayed in drinking proved to me that thirst might be reckoned as one out of many of their sufferings on board. The commotion that took place among the animals on the man with the bucket of water approaching them was most marked. Their eyes seemed to light up with intelligence, and those who were distant made violent efforts to get at the water.”

In addition to these, there was the testimony of a gentleman—Mr. Liardet—living at Deptford, who said—

“Captain Stanley's statements are true, and certainly not exaggerated. On the contrary, the inspectors of police have given me a much worse account of the treatment of the cattle than Captain Stanley's conveys. For instance, that the cattle are kept without water, and one means used by the landing people on arriving at Deptford is to hold a bucket of water close to the head of a beast which is so thirsty that it follows the man up the hold of the ship to the shore, there to undergo the goad and sickening thrashing of sticks. . . . I have travelled several times round the world; I have witnessed the treatment of cattle in South America, and in all the Australian Colonies, and I never saw anything so sickening and cruel as practised at Deptford Market.”

Such were the reiterated statements of Captain Stanley, supported by other testimony, with regard to this case of ill-treatment of cattle at Deptford. They

were not made hastily or under excitement, but calmly and deliberately, as an eye-witness of what he described; and he (Earl De La Warr) could not understand in what way the noble Duke could have arrived at the conclusions which he did, except on the supposition that official information passed sometimes through a somewhat dense medium, and did not always reflect the brightest light. He came now to the second part of what he wished to ask their Lordships to have laid upon the Table of the House—namely, Copies of the Instructions issued to Inspectors of Ports in the United Kingdom relative to the importation of foreign cattle. He did this as he feared the case to which he had just referred was not a solitary instance of ill-treatment of cattle from the want of proper supervision and inspection. He was certainly somewhat surprised to find—and he thought their Lordships would hardly expect to hear—that in some of our largest ports there was not the most ordinary provision made for the proper transport and landing of cattle. He had statements from experienced and practical men—men who were largely connected with the cattle trade—which showed that there was a total absence of all arrangements for the transport of cattle to secure their proper treatment, and to protect the interests of the trade. He could give as an instance a no less important place than Liverpool—he might say one of the greatest, the wealthiest, and most important ports of the world. On the 1st of May this statement was made by Mr. Richard Hall, well known from his connection with the cattle trade—

“Last Sunday 870 sheep were landed on the Dock Quay from the Hamburg steamer *Westmoreland*. They were detained on the quay till Monday at noon, in order that they might be passed by the Inspector appointed for that purpose. The whole number were turned up, and it was found that one of the creatures walked a little lame, so it was declared to be affected with foot-and-mouth disease. Thereupon the whole number were detained upon the dock quay during Monday night, without pens, without covering or shelter, and a portion even remained till Thursday morning.

“Monday night was cold, raw, and wet, and here were these helpless animals exposed to the inclement weather, without food, and, so far as we can learn, without drink. But this is not all. They were all condemned to be stuck upon the quay, and in many cases, before the agonies of death were passed, the suffering creatures were thrown into carts and carried to

the depôt at Sandhills, their lifeblood colouring the streets as they were being carted along. . . . Similar instances have been very frequent during the last three months, and any appeal to remedy this cruelty and obstruction to trade made to the authorities here has been unavailing.”

He could add other testimony. He would ask their Lordships to listen for one moment to what was stated by Mr. James Odams—whose name might be familiar to some of their Lordships from his former large connection with the cattle trade. Speaking of Irish cattle, and writing on the 7th of May, 1875, Mr. Odams said—

“At this season of the year we import thousands weekly for grazing in the Midland and Eastern districts. The state in which they arrive is simply disgraceful. Only on Monday last a considerable number were in the Metropolitan Market pictures of misery. The railway system and Channel transit of cattle require to be thoroughly overhauled, and not left to the mercenary interests of dealers and carriers.”

He further added—

“You ask me if the state of things exists now as described in page 4 of my pamphlet. I have no hesitation in saying that it does, and in an extended degree. The Privy Council exercise no power at any of the landing places for cattle with regard to cruelty, feeding, or watering; the only duty they perform is examination as to disease and quarantine.”

He would trouble their Lordships with the testimony of one more only—that of Mr. T. Rose, a large farmer in Norfolk—

“Suppose a cargo of 1,000 sheep arrives at one of our ports, and 100 are seen to have the disease; they are slaughtered, and the remaining 900 are allowed to go to any market, thereby carrying the disease. . . . The system of inspection is bad, and perfectly useless in staying this frightful malady. . . . I imagine that Norwich Market is, if not the largest, one of the largest in the Kingdom. It is virtually an impossibility to buy stock, especially cattle, at that market without their having foot-and-mouth disease. . . . Of course, the flesh of sheep and cattle suffering from this complaint cannot be anything like so good as those that are free from it, as they are in a high state of fever.”

He thought he had now shown to their Lordships, upon testimony which might be relied upon, that there was a case—a pressing case—for some steps to be taken to apply a remedy. The noble Duke had stated that he was not prepared to take any further steps in the matter, or to make any regulations beyond those which at present existed. He need hardly remind their Lordships

*Earl De La Warr*

that by the Act of 1869 the Privy Council had the power, if he rightly read it, to make regulations which would obviate all existing evils. The noble Duke would, doubtless, state to their Lordships whether he had re-considered this intention to do nothing. Perhaps the blame might be thrown upon the local authorities; but if there was no power to make them act, why not apply to Parliament for a power which would surely be granted? But he believed that if vigorous measures were adopted under the existing law—if there were more stringent regulations and a better system of inspection and of licensing vessels for the cattle trade—much good would be done. Lastly, he might very briefly refer to the grave question which arose both in the interests of trade and in a sanitary point of view. The loss which was sustained by diseased cattle was enormous; and not only was the quantity diminished, but the quality was seriously deteriorated. Large numbers of diseased cattle arrived weekly at different ports. If the disease was apparent, they were slaughtered on landing, and were bought by butchers to be sold for food. By a Return issued in February last by the Veterinary Department of the Privy Council, it appeared (sec. 9) that 1,619 animals affected with foot-and-mouth disease were landed during the last month at English ports from the Continent, and were slaughtered. These—or, at all events, the greater part—were sold for human food; but as it was now known that animals suffering from this disease were in a high state of fever, a very serious question must arise in a sanitary point of view. He trusted Her Majesty's Government would give the whole question their serious attention. It was demanded for the sake of humanity; it was demanded for the interests of agriculture and of trade; and it was required for the interests of the public.

*Moved* that there be laid before this House,

“Copy of Report of the Inspector of the Privy Council relative to the case of the importation of foreign cattle at Deptford referred to by the Lord President on the 30th of April last; also

“Copy of Letter from J. Colan, Esq., to Dr. Williams, Veterinary Department, Privy Council, of 29th April 1875; and

“Copies of the general instructions issued to Inspectors of Ports in the United Kingdom relative to the importation of foreign cattle:

“And also to call attention generally to the state of the law with regard to the transport of foreign cattle.”—(*The Earl De La Warr.*)

THE DUKE OF RICHMOND said, he had certainly had no idea on reading the Notice of his noble Friend's Motion, that he intended to go again into the whole case of alleged cruelty to animals landed at Deptford; to which case he (the Duke of Richmond) thought he had given a complete answer on a former occasion. His noble Friend assumed the accuracy of the allegations as regarded the treatment of the cattle in question; but he begged to say that he disputed altogether the accuracy of those allegations. On the last occasion when his noble Friend brought the case under the notice of their Lordships, he (the Duke of Richmond), in reply, quoted the report made by the Inspector to the Department, in which it was pointed out that the facts were not such as they had been stated to be by his noble Friend. He ventured to think that if the gentleman who had written letters to the newspapers and corresponded with his noble Friend had made inquiries of the Inspectors, and, failing to obtain satisfaction from them had addressed the Department, it would have been unnecessary for his noble Friend to have moved in the matter. It appeared from a Paper laid on the Table of the other House of Parliament that on seeing Captain Stanley's letter in *The Times* the Secretary to the Society for the Prevention of Cruelty to Animals applied to him, and stated that the society was ready to prosecute, if the gallant gentleman would come forward as a witness and furnish the Society with the names of the perpetrators of the alleged outrages. The gallant officer declined to accede to that request. He submitted that Captain Stanley put himself out of court by declining to appear as a witness, he being the only person who could have proved the case. His noble Friend had spoken of other reprehensible occurrences at Deptford besides those the subject of Captain Stanley's letter. If there had been such occurrences, it was surprising that nothing had been heard of them at the Privy Council Office. With respect to the cruelties spoken of by Mr. Richard Hall, of Liverpool, he could say nothing of them, because he had not heard of them before, even in the shape of Notice that it was his noble



Friend's intention to bring them forward; but he could not help remarking that though Mr. Hall might have had great experience in the cattle trade, he could not know very much about agriculture. That gentleman complained that in the month of May sheep were exposed to the weather. He appealed to any flock-master as to whether it was customary to have sheep under cover in the month of May. He should think that sheep would feel very much astonished to find themselves under cover at this season of the year.

EARL DE LA WARR observed that a part of the complaint was that the sheep were left without food.

THE DUKE OF RICHMOND said, he could not reply to that portion of the charge, for the reason he had already stated. He could not suppose that complaints had been made, and made in vain, to the local authorities; because his experience at the Privy Council Office enabled him to say that such appeals found their way very speedily to London and to the Privy Council Office, where, in this case, they would have come under his notice, and he would have directed a searching inquiry. His noble Friend said that official information passed through a dense medium. Well, perhaps, he was the dense medium to which his noble Friend referred; but he could only repeat that the information spoken of by his noble Friend had not reached him at all until he heard the statement of the noble Earl. He (the Duke of Richmond) believed the law was sufficient, and he hoped his noble Friend would be of the same opinion when he perused the Papers for which he had moved, and to the granting of which there was no objection on the part of Her Majesty's Government.

*Motion agreed to.*

#### FRANCE, GERMANY, &c.—THE PEACE OF EUROPE.

##### MOTION FOR CORRESPONDENCE.

EARL RUSSELL: My Lords, I rise to move an Address to Her Majesty, praying that Her Majesty will direct that there be laid before the House certain Papers having relation to the present state of Europe. It is fit that I should say at the commencement that I do not wish to unduly press upon the

*The Duke of Richmond*

noble Earl the Secretary of State for Foreign Affairs. Whether Her Majesty's Government will produce the Correspondence, or a part of it, or whether they will deny to Parliament any such communication, I rise rather with the view of calling the attention of your Lordships' House to the present state of foreign affairs—because I think it necessary that your Lordships' attention should be directed to it under existing circumstances. My Lords, I cannot forget that on the 30th of May, 1814, a Treaty was concluded between Great Britain and Russia and Prussia on the one side, and France on the other, by which Treaty the boundaries of France were reduced to what they had been previously to 1792. I must say that on a comparison between the policy of that time and the policy which we have seen in more recent times, I have been much struck with the great wisdom and circumspection and care shown when that Treaty was made to preserve the position of Great Britain, and place her in a situation of considerable power and influence abroad. Whether it be owing to any change which may have occurred in the public mind with regard to foreign affairs, or for some other reason, it seems to me that, while in 1814 great circumspection and great vigilance were displayed in securing the position of Great Britain in Europe, there has been some carelessness in recent times, and that we run the danger of losing what the policy of 1814 achieved. In 1814, as I have said, care was taken, by the making of the Treaty of the 30th of May at Paris, that the boundaries of France were reduced to what they had been in the month of January, 1792. I cannot help comparing the situation in 1814, and the position taken up by the English Government of that day, with what occurred five years ago—in 1870. In 1870, so far from the Government of France being willing to remain divested of all territory beyond the limits of the boundaries of 1792, the Emperor of the French declared, and had no scruple in declaring, that he did not regard as binding the Treaties of 1815, by which Great Britain and France had bound themselves. He announced that he intended to restore to France territory which she had lost on the Rhine, and to retake those fortresses which by the Treaty of 1814 France had yielded to Germany. That being the



demand of the Sovereign of France, I ask your Lordships to consider what would have happened if, instead of having been defeated and overwhelmed by the Germans, the French had been successful in the war of 1870-71. If the French Army, instead of the German, had been successful in that war, we should have been called upon to vindicate the faith of Treaties, and uphold what we had taken a prominent part in establishing. I do not say that at the present moment there is any danger of war, but I will recall to the recollection of your Lordships what happened in May or June, 1870. At that time my noble Friend near me (Earl Granville), who was Secretary for Foreign Affairs, assured this House and assured Parliament and the country that all the documents which came to the Foreign Office were documents attesting to the peaceful state of the European Governments. That was the declaration made in June, 1870;—and yet in July one of the most violent, one of the most purposeless and wanton wars ever waged in Europe broke out between France and Prussia. It appears to me, my Lords, that, with such a warning in remembrance, we ought at present to take means which would afford some security for the peace of Europe. This we have a right to do, in pursuance of former Treaties, by obtaining from the other Powers of Europe assurances that they will join with Great Britain in a course calculated to secure that end. In 1814 it was thought necessary to make a Treaty with Great Britain, Prussia, and Russia on the one side, and France on the other, in order to secure peace, and I cannot think that this country is safe or the peace of Europe is secure unless we have Treaties, and see that our power in respect of Treaties is fully maintained. The result of the late war was favourable to Germany, and territory which had belonged to France for 200 years was wrested from her. But, my Lords, it is impossible that there should not exist great resentment and great humiliation on the part of France in consequence of her having had to make these large concessions; and when France has again a great Army, and when she has effected what she desires on all those points in connection with the reconstruction of her Army to which she had been so

closely attending—when she has a formidable Army of perhaps 700,000 men—it is not unlikely that France may make use of that Army to regain her lost provinces. On the other hand, all this is calculated to alarm Germany. We see to what a standard of strength the German Empire keeps up her military forces, and, further, that she wishes to maintain a fleet. My Lords, I do not say that either on the part of France or that of Germany there is a desire for war; but when we see the things to which I have been referring, I ask whether, in 1875, we have obtained any better security for peace than we had when my noble Friend (Earl Granville) spoke in June, 1870? My noble Friend made the statement to which I have alluded, and in a few weeks—I may say in a few days—there burst out a violent war, in which the interests of this country were greatly concerned. I feel, then, there is no security that in the course of a few days there might not again burst forth as suddenly as then a war as violent as that, and which might take a direction that might compel us to resort to the Treaties we have made. I hope, therefore, that we shall not only receive the same assurances of peace which we did in June, 1870, but that the policy of Great Britain in 1814 will be revived—that we shall see something of the spirit which was then displayed—and that this country will combine with other nations for the maintenance of the peace of Europe. I observe that Her Majesty's Government have been in communication on this subject with the Governments of other countries; and my object in asking for this Correspondence, or any part of it which may be produced without damage to the public interest, is to see whether the old spirit which used to prevail and did prevail in 1814 has been revived. I think that if Great Britain and Russia and Austria and other Powers interested in peace were to declare not only that they were favourable to it, but that they would use their means to preserve it, as England, Russia, and Prussia did in 1814, we should have a security for peace. I for one cannot rely on assurances such as those which we had in June, 1870, and I move for these Papers in the hope that an English policy—a British policy—may be declared by the Government, and that we shall no longer exhibit that indifference—that carelessness—of foreign policy

which I regret we have in recent times allowed to prevail. The noble Earl concluded by moving the Address.

*Moved*, "That an humble Address be presented to Her Majesty, praying Her Majesty to communicate to this House so much of the correspondence between Her Majesty's Government and the Governments of France, Germany, Russia, Italy, Belgium, the Netherlands, Spain, and Portugal relating to the peace of Europe which has taken place since the commencement of the present year as can be made known to Parliament without injury to the public service."—(*The Earl Russell*.)

THE EARL OF DERBY: My Lords, with regard to the Motion which the noble Earl has made for the production of the Correspondence relating to the late European crisis, I think that the noble Earl himself—of whom and to whom I wish to speak with the greatest possible respect—has by anticipation indicated the answer which I shall feel myself reluctantly compelled to give him; because the noble Earl more than once said it was not his intention to press for any Correspondence the production of which might be injurious to the public service. I can quite understand and sympathize with the curiosity—the natural curiosity—and the deep interest with which your Lordships and the country must have been watching the course of foreign affairs during the last few weeks, and I can quite appreciate the desire for information with respect to the details of what has passed. And, my Lords, as far as Her Majesty's Government are concerned, there is nothing we have said or done which we have the slightest desire to keep from the knowledge of this House or the other House of Parliament or the public. But there is this objection to the production of these documents—that it would be impossible to give anything like such an account of these matters as Parliament and the country would expect without making use of confidential communications as to the opinions and policy of other Governments, and those other Governments would object in the strongest manner to our disclosing this confidential information. We could not in fairness disclose it without their consent; but even if we could, I do not think that in good policy we ought to do so—because the result would be to give other Governments reason to conclude that whatever passed into the hands of British diplomatists

*Earl Russell*

would be sure to be published. The consequence of that conviction would be that British diplomatists would receive very little confidential information in future. Therefore, my Lords, the production of the whole of the Correspondence is impossible; and I do not think the production of the Correspondence mutilated or severely edited would answer any useful purpose. If published in full, its publication would be unfair to other Governments; if published in a mutilated form, it would be useless. But, my Lords, there is another consideration—which is that the points of difference were of such a nature that they are liable to occur again—though I hope they will not—and, therefore, looking at it from that point of view, I do not think it would be in the interest of European peace to give wider publicity and a larger circulation to all the details of the negotiations. Indeed, I cannot conceive anything more calculated to revive and exasperate those feelings of irritation and mutual uneasiness which as your Lordships know did unfortunately exist; and therefore I believe your Lordships will have anticipated the answer I feel called upon to give, when I say I think that on every ground it would be undesirable to produce these Papers. As to the action taken by the British Government in the course of the negotiations, I feel that Parliament and the country have a right to know what we have been doing, in order that they may not seem to favour any policy which they do not approve; but while I say that, I am bound to confess that I can give your Lordships very little information of which you are not, in substance at least, if not in detail, already in possession. Everyone knows that great uneasiness existed a few weeks ago in respect of the relations of the Governments of France and Germany. Language had been held by persons of the highest authority and position—statements had been made by the semi-official Press of Germany—to the effect that the French Army was being increased to a degree which was dangerous to Germany and exceeded the requirements of France, and that the course being pursued in respect of that Army manifested a determination on the part of France to renew the war of 1870-71 at the earliest period at which she would be in a position to do so. It was further

said that if such was to be taken as the object which France had in view, it might not be the duty of the German Government to wait until France had completed her preparations, but that, in self-defence, that Government might feel itself called upon to take the initiative. It was said that Germany did not desire war, but that if war was to be avoided, it seemed necessary that the French armaments should be discontinued. My Lords, those statements were as I have observed, made by persons in high position in Germany, and they were repeated in other countries. In France, of course, they caused great uneasiness, and the French Government disclaimed all such intentions as those which were thus attributed to them. I am bound to say that I accepted, and I still accept, that disclaimer as one made in all sincerity. I do not believe that any public man in France contemplates a renewal of the war of 1870-71. After the misfortunes which they have undergone and the humiliations which they have endured, the French very naturally desire to keep up such an Army as shall not only give them security at home, but shall give them such power and influence in Europe as they feel their importance as a great nation entitles them to. The existence of such a feeling on the part of the French cannot be disputed, nor is there any reason why it should not exist. But it is one thing to desire to be safe and even strong at home, and it is another to be arming with ulterior motives. We believe that the apprehensions that have been entertained on this point have been unfounded. One of the greatest difficulties that we have had to encounter in the matter was that the French, on their side, seemed hardly able to understand or to conceive that these apprehensions which were felt on the part of the German Government were genuine or sincere, and that they—I will not say the French Government—but the French people, undoubtedly looked upon these apprehensions as being put forward by Germany as a mere pretext for a fresh attack. Now, that was the situation with which we had to deal, and it appeared to Her Majesty's Government that in such a state of things a mutual misunderstanding existed which might lead to the very gravest consequences. On the one hand, if the German Go-

vernment continued to entertain these apprehensions of the designs of France which they expressed, the next step on their part might be a formal request to France to discontinue arming. Had such a request been made it would have been very difficult to preserve peace, and the cause of quarrel between the two nations might have been revived. On the other hand, it will be obvious to your Lordships that if the French statesmen believed that the apprehensions entertained by Germany were not genuine, and were merely put forward as a pretext for war, such a belief on their part was not unlikely to lead them to accelerate and redouble their preparations, and thus confirm the suspicions of Germany and complicate the situation. Under these circumstances, therefore, it appeared to Her Majesty's Government that much good might be done by endeavouring, quietly and unostentatiously, to calm down these feelings of mutual suspicion and distrust entertained by the two countries. It appeared to us that when two great nations are determined upon going to war with each other, it is of very little use for their neighbours to attempt to interpose in the cause of peace; but that when the feeling between them is not so much one of violent irritation, as of extreme mutual suspicion and distrust there is room for the friendly offices of a third party. We did not think that France was contemplating a renewal of the war, neither did we believe that the German Government were contemplating an act so entirely repugnant to the moral sense of Europe as that of rushing into an unprovoked war with the intention of completing the destruction of her former opponent. We found that the Russian Government were determined to use their best efforts in the interests of peace, and the late visit of the Emperor of Russia to Berlin furnished us with a convenient opportunity of supporting—as far as support appeared to be necessary—the representations in favour of peace which we were led to believe the Emperor of Russia intended to make in the course of his visit to the German capital. That is substantially what has occurred in reference to this question as far as we are concerned. I can assure the House that I do not in any way wish to exaggerate the part Her Majesty's Government have played in the matter, neither do I wish to claim any particular merit for

them. We have only done what it seems to me it was our obvious duty to do, and what we could not have avoided doing in the interest of peace and in the interest of justice. My Lords, it has been asked in some quarters whether the results which I am happy to say have been brought about were secured by any sacrifice on our part of our freedom of action, either present or prospective, and whether we had entered into any engagements which may bind us in future? I am glad to have this opportunity of stating that such is not the case. We have used no language, we have entered into no engagement, and we have given no pledges that will fetter our freedom of action in the future, and if we were to quit office to-morrow we should leave our Successors neither embarrassed nor committed by anything said or done by us in reference to this matter. I will not enter into the wide and complicated question as to the rule which the noble Earl said ought to guide our foreign policy. I do not believe that it is possible for us to lay down any formula or any general rule which shall bind us in our foreign policy for all time and on all occasions. We must deal with the circumstances of each case as it arises. I believe that the policy of non-intervention in general in Continental disputes is the one which finds most favour with the people of this country; but a policy of non-intervention does not mean a policy of isolation and indifference, and it does not mean that England either is or can be indifferent to the maintenance of European peace. I will not enlarge on this subject, and I can only end as I began by expressing my conviction that it is not desirable that we should lay the Correspondence which has been asked for before the House.

EARL GRANVILLE: I wish to observe, in the first place, that I have no distinct recollection of the statement which the noble Earl (Earl Russell) says I made in May or June, 1870, to the effect that all the despatches which we had received were of the most pacific character. I have no recollection of having given any assurance of that kind. The noble Earl suggests that in making that statement I was not expressing my own views, but that I was quoting the language of my noble Friend (Lord Hammond), who, all parties agree, discharged the duties of Under Secretary

of State for Foreign Affairs with such eminent success. Since I can find no record of my statement in *Hansard*, it would be indiscreet of me to say positively what that statement conveyed. What I believe, however, I stated on that occasion was, that my chief reluctance to take the office vacated by the death of the Earl of Clarendon was the suddenness with which the responsibility would come upon me; and that my reason for finally accepting that office was that my noble Friend (Lord Hammond), then Under Secretary of State, had informed me that I should find much less work in the office than I had found 20 years previously, and that there never was a time when to all appearance a Foreign Secretary would have so little to do. I have nothing to find fault with in the announcement of the noble Earl the Foreign Secretary with reference to the Papers asked for. I think that the production of such Papers should be left to the discretion of Her Majesty's Government. On the one hand, it is their duty, and very much to their interest, to keep the country informed as to what they are doing with regard to political affairs abroad; and, on the other hand, were they to produce confidential Correspondence they would destroy the sources of information for the future. If you hastily publish what you have yourself done in influencing foreign politics, you will be very apt to weaken the influence you hope to exercise over foreign Governments in the future. I know nothing about the Papers asked for, nor about what the Government have done in the matter, and therefore I can express no opinion on the determination at which they have arrived on the point; but if, as has just been stated by the noble Earl, Her Majesty's Government have without ostentation usefully put themselves forward in a spirit of complete neutrality to endeavour to remove misconceptions on each side, I think that they have pursued a right course. I am glad that the noble Earl did not assume on behalf of Her Majesty's Government any extraordinary credit for the course which they have taken in this matter—because there is rather too much of that sort of thing done in other places, where it is said that this country has obtained something like a diplomatic victory by having brought matters to a successful



and peaceful termination. I believe that any assumption of that sort is calculated to weaken our influence in the future. On the whole, however, it seems to me that Her Majesty's Government have acted in a wise and judicious manner.

EARL RUSSELL said, he did not desire that any Correspondence should be produced the production of which the noble Earl thought would be injurious to the interests of the country; but this he did say—that their policy with regard to foreign nations ought to be communicated to Parliament and to the country, that they might know what was really the course Her Majesty's Government were pursuing.

On Question? *Resolved in the Negative.*

#### ARMY—EFFICIENCY OF THE ARMY.

##### QUESTION. OBSERVATIONS.

VISCOUNT HARDINGE rose to ask His Royal Highness the Field-Marshal Commanding-in-Chief, Whether his observations on the efficiency of the Army made at a public dinner on the 24th of April last have been correctly reported? He ventured to put the Question on the Paper, because he had reason to believe that the illustrious Duke on the cross-benches was anxious to offer some explanation to their Lordships in consequence of a misconception which had arisen in the other House of Parliament as to some remarks in the speech which His Royal Highness delivered on returning thanks for the Army on the occasion of a dinner which his Royal Highness attended, and which was given by the Metropolitan Board of Works. He was sure that their Lordships would be most desirous of hearing any observations from His Royal Highness on a subject so important as the efficiency of the rank and file of Her Majesty's Army. Their Lordships would recollect that about five years ago Lord Sandhurst brought forward a Motion in that House to the effect that no soldier under 20 years of age should be sent to India. The noble Viscount (Viscount Cardwell) was at that time Secretary of State for War. In consequence of that Motion the Government of the day accepted the regulation, and no soldier under the age of 20 had since been sent to India. One result was that the home Army was full of the young soldiers whom they were obliged to recruit because of the high

price of labour and other causes. That did not so much matter in the days of long service, because though they enlisted young soldiers as they did now, they kept them for 12 years, and at the end of that time they were either discharged or re-engaged; but under the short-service system it was very different—especially in view of the fraud and deceit practised by recruits—a boy of 15 years of age would represent himself as 16, and those who were 16 stated they were 17. That was one of the evils of short service, and it was one which the Government of the day was bound to consider and to face. Those boys only served six years and were then placed in the Reserve. A Return as to boys in the Army had been moved for in “another place” by Colonel Mure, which he was sorry to say showed that the standard had been lowered, and that the lowering of the standard had occasioned a deterioration of *physique* among the recruits: and it was known that the Guards and the Royal Artillery could not get the stamp of men they required to get up to their full establishments. It was fair to state, on the other hand, that the Report of the Inspector-General of Recruiting, which had been laid before Parliament, stated that he was perfectly satisfied with the *physique* of the recruits; and statistical tables had also been laid before Parliament which showed that the majority of the commanding officers were also satisfied with their recruits; whereas the minority of the commanding officers abused their recruits and spoke of them in very unmeasured language. This, too, was a subject which deserved and he hoped would receive the attentive consideration of Her Majesty's Government. He knew that there had been a Committee on Recruiting sitting at the War Office; but the result of their deliberations had not been made public. Our Army was small and was very expensive, and it was the bounden duty of the Government, if they accepted short service, to see that the Army was as efficient as possible. With respect to the Reserve, they knew that two years ago Lord Sandhurst brought the subject before their Lordships' House, and anyone who read his speech could not but infer that the Reserve was a mere paper force. In fact, Lord Sandhurst said that when Commander-in-Chief in Ireland he issued invitations



to the Reserve to attend the Autumn Manœuvres at the Curragh Camp, and that only half-a-dozen men responded, and he thought they might do some service in this direction. If they were to have a Reserve, the Government should see that it was reliable and efficient; and if there was any suspicion of the truth of the assertion let the men be called out, so that their effective strength might be ascertained. They were said to have 7,000 men, first-class Army Reserve, but he believed that if they were required to-morrow they would not be forthcoming in any large numbers. So far as he was aware these men had neither arms nor accoutrements. That ought to be seen to. At all events he hoped the illustrious Duke would tell them whether the Reserve was merely a Reserve upon paper, or whether it was a *bond fide* Force. When men were required to fill up the regiments for the Ashantee Expedition, volunteers from other regiments, and not the Reserve, had to be sought for. He could not but hope that this branch of an important subject would not be lost sight of by Her Majesty's Government. They had a strong majority at their back and had already carried out some useful reforms in regard to the Army. He trusted that their Lordships would excuse him for putting the question to the illustrious Duke of which he had given Notice, but he believed they would all be interested to hear the opinion of the head of the Army on its present state and efficiency, especially as to its rank and file.

THE DUKE OF CAMBRIDGE: My Lords, I have been appealed to by my noble Friend who has just sat down (Viscount Hardinge) to make an explanation on the subject to which his Question refers. I confess I should not have thought that observations made by me at a public dinner would have been deemed worthy of so much notice as has been taken of them; and I confess, too, that some observations made in "another place" in reference to them caused me some surprise. I am extremely obliged to my noble Friend for asking me the Question, as it enables me to state my sentiments distinctly—although I admit that in the other House of Parliament my right hon. Friend the Secretary of State for War at once pointed out to the noble Lord who spoke on the subject

*Viscount Hardinge*

(Lord Elcho), that he must have been very much mistaken as to the view I intended to convey. Before I reply to the Question of my noble Friend, I am bound to say frankly that when the statement was made, I considered it my duty to have some communication with the noble Lord who had referred to my speech in the other House, and to ask him for an explanation as to the meaning he put upon my words. The noble Lord most frankly expressed regret for having misunderstood me, as he perceived from my letter to him that he had. At the same time, he said that every military man and civilian with whom he had conversed, and who had read my observations agreed with him in the view he took as to what I meant to convey to the public. That mistaken view, therefore, being accepted, I would now venture to explain what I really did say and mean. A great deal was said just about that time as to the efficiency of recruiting for the Army; and it became so serious a matter that I confess I thought the time had arrived when, if I had an opportunity, I should try to convey my views as to whether those statements were correct or not. Incidentally and accidentally—for it was purely by accident—I was at a review at Aldershot a day or two before the occasion on which I made the speech in question, and having seen before me the regiments there quartered, my attention was particularly called to them by Lieutenant General Sir Thomas Steele, who had just been appointed to the command there, and who told me that he never saw regiments with whose *physique* he was better satisfied. He asked me, in this view, to look through the regiments myself, and I did so. I stated my opinion that I had never seen regiments with whose *physique* I was more satisfied. I looked most carefully at the regiments as a body, and to every recruit pertaining to those regiments; and having referred merely to the physical condition and power of the men, I said they were such as I believed they always had been during the whole period in which I had been in the service. I referred to their physical power when I said that I was ready to take them anywhere and to do anything. I never intended to convey that the men I saw were in any respect on a war footing, and I could not conceive it possible—

although it seems I have been mistaken—that the words I used could have borne any other meaning than that which I am endeavouring to put before your Lordships. I have been somewhat staggered by many of the assertions that have been brought under my notice. What I said was—

“Yesterday, in the course of my professional duties, I had an opportunity of going to see as much as I could of the troops at Aldershot, and all I can say is that while deprecating war, and hoping the necessity may not arise, I am perfectly prepared to-morrow, at five minutes’ notice, to take every man of that Force with me and to go anywhere without seeing any reason why they should not perform their duty just as well as the British Army has ever done in times past.”

I made no allusion to the number of guns or waggons; and when fault has been found with me for stating that I was ready to take the command of them as an army, I must state that what I said was that “I was ready to go with the men I saw before me.” I added—

“I cannot deny that, when I see regiments which are not very strong in point of numbers, it would be very acceptable to me, as to all military men, to see their ranks better filled.”

What did that mean but that I thought those ranks were not very well filled at present? If my noble Friend (Lord Elcho) had read that part of my speech he would have found that it answered the Question he has put. The only point in my speech which was not quite correctly reported was an allusion to the length of the men’s service. I am supposed to have said that “if we cannot get men for a little longer than six years, I, for one, shall not break my heart about it.” I believe that what I did say—and certainly what I intended to say, was that if the men stayed a little longer than six years in the Army I should not break my heart to see them stay longer. One word more. I said I should very much prefer to see a regiment entirely composed of old seasoned men. If I said that, it is not likely that I should have said immediately afterwards that I should like to see a regiment of young, unseasoned men of less than six years’ service. I cannot help thinking that the view I have endeavoured to express to your Lordships is the right view. I hope I have answered my noble Friend sufficiently, and I think I have shown that I have been entirely misunderstood and that it is not my fault. I do not

think it desirable that there should be any reticence with regard to such questions as that of recruiting—I do not wish to keep anything secret at all—but having had my attention called to the matter by Sir Thomas Steele, I made a remark to the commanding officers that if they had any complaint to make, if they would come to me instead of going to the “man in the street,” I should be much better satisfied. That is my professional feeling, and I hope that my statement to-night will have this effect—that if commanding officers or any other officers have any complaint to make they will come to me or to some other authority, and not go to the “man in the street.” Having seen what I thought a very satisfactory condition of affairs as far as the *physique* of the men was concerned, and particularly after my attention had been called to the matter by Sir Thomas Steele—who was surprised to find the men so much better than he had been led to suppose by what had been stated in other places—I took the opportunity of stating that the commanding officers had probably unintentionally conveyed the idea that their regiments had not been well recruited, but that as far as I was concerned I thought they were. Well, I think so still, and I am ready to repeat it. It is quite possible and very probable that there are regiments in a less satisfactory condition, and all I can say is that if there are it is very wrong in commanding officers not to come and make their complaints to the Horse Guards. It is very hard upon the authorities that they should be held up to public contempt for not doing their duty when the officers do not report the circumstances to us. On one or two occasions, when rumours of the inefficiency of particular regiments have reached us we have sent down to ascertain the facts, and found that the reports which had reached us were gross exaggerations. The fact is that there is in some quarters dissatisfaction with everything and everybody, and therefore it is no wonder that dissatisfaction should have been expressed that a number of young men under 20 had been enlisted. No doubt it would be better to have no recruits under 20;—I should be delighted to find that every recruit who entered the service was of that age; and if you have a conscription and make it a law that every young man shall enter

the Army at 20 you can do it, because you could oblige them to bring with them the certificate of their birth. But how are we to know a young man's age? We are obliged to take his word for it, and sometimes he may say he is 20 when he is probably only 17. You can only judge by looking at him. I repeat that I should prefer men of 20, but it is impossible to get them all at that age. At 20 a young fellow has become a seasoned man, who has entered upon his career in life, and if he is at all a good workman or a good labourer, he will not come into the Army; whereas a boy of 18 or 19 who has not yet taken his position in life will enlist. If, however, we are told that we are not to enlist a man until he is 20, the end will be that you will have no men at all for the Army. It is utterly impossible to have an adequate number of soldiers at 20 unless you go on recruiting lads of 18 or 19. What do your Lordships suppose the order was at the end of the Great War? Why we were recruiting lads at 15. I hope we shall never do that again; but young men of 18 or 19, if they are well fed and looked after, will make very good soldiers. I strongly recommend your Lordships and the country not to throw any obstacles in the way of recruiting these young men, because they often make better soldiers than the men who enter the Army at 20, who are frequently not the lathy, athletic men you wish to see in the service. It has sometimes been asked why the Commander-in-Chief did not make these speeches in Parliament, instead of at dinners in other places? It is very seldom that he has an opportunity here of correcting a misapprehension which may prevail in the public mind. It was not my desire to give offence to any one, and I trust that your Lordships may think that I was right in taking the opportunity of making that statement, and of correcting the misapprehension to which it has given rise. I had only wished to make a short speech to-night; but I may be permitted to add that if people go on stating that the Army are "nothing but riffraff" and not worth anything, eventually it may be believed and the service will greatly deteriorate. The officers will in time begin to think so too, and then you will break the spirit of the Army, and in the end the whole organization of the regiments must be destroyed. The real

difficulty is that to which my noble Friend (Viscount Hardinge) has alluded—the state of the labour market. I am satisfied that the Reserve question is of the greatest possible importance. You may have the *cadres*; but an Army of *cadres* without a Reserve is a most miserable excuse for an Army. But, as I have always said, if the Reserve men have good employment you might call on them in vain to join a regiment even for a week, because their chance of re-employment would be very much diminished thereby. This is the difficulty—that you have not the positive power to call out the men even for a week to join the regiment to which they belong; and unless you can get over this in some way you cannot have an Army such as we should wish to see, or a Reserve worthy of the name of a Reserve—for the Reserve at present is much more on paper than a reality. The Militia Reserve comes out with the Militia regiments, but you do not know what is the physical capacity of the Reserve men—whether they have not lost their efficiency while they have been engaged in civil life. You ought to have a Reserve of men whom you can call out, and whose efficiency you can test. Under these circumstances, I have no hesitation in saying—I say it frankly—that if you are to have these *cadres* and this Reserve, and to send the men rapidly through the ranks, you must be prepared to pay. You cannot have men at small cost without conscription; and conscription, I say, is perfectly inconsistent with our institutions—it would be most unacceptable to the country; and it would be almost impossible to carry it out, even if you passed a law for that purpose. The only conscription, I believe, we can have would be in connection with the Ballot for the Militia. That is the law at present, and that is the only conscription to which we can look in accordance with the institutions under which we live. That being so, I repeat if you wish to keep up the Army and to have short service you must look to the labour market and pay your men accordingly. I am much obliged to my noble Friend for putting this Question, and I hope I have given to your Lordships a satisfactory explanation, in nothing inconsistent with the position which I have the honour to hold as Commander-in-Chief.

*The Duke of Cambridge.*

VISCOUNT CARDWELL: My Lords, notwithstanding the great pleasure with which I have listened to the speech of the illustrious Duke, refuting as it does a great many statements which have been so rashly made, there were one or two observations which fell from the noble Viscount opposite (Viscount Hardinge) which I think call for some remarks from me. With regard to conscription, I entirely agree with the observations with which the illustrious Duke concluded. I am quite persuaded that in this country you will not carry conscription through either House of Parliament, and I am further persuaded that even if, in a moment of rashness, Parliament passed such a law, and it were bound up in the Statute Book, no Minister would have power to enforce it in this country. Therefore, it becomes a matter of the Estimates. If you would rather see fuller battalions the Chancellor of the Exchequer must be prepared to consent to fuller Estimates. That is a question which the responsible Ministers of the Crown will have to consider every year with reference to the foreign relations of the country; and in a time of peace I do not believe the present Government or any other would venture to submit largely-increased Estimates for this purpose to the House of Commons. The illustrious Duke has referred to the guns and Cavalry; but he did not mention their numbers, and I fear if I did not say one word about them it might be supposed that the Cavalry and the guns had been reduced. Now, that was by no means the case, inasmuch as the Cavalry were increased both in men and horses during the time I held the Seals of office, and the field guns were nearly doubled in number. In respect to the Artillery and Cavalry there was a large increase in numbers as well as in efficiency; and with regard to the Infantry, I think I may say there never was a time of peace since the country was a country when the numbers of men in the Kingdom were so large as during the last two or three years. I strongly recommend to my noble Friend (Viscount Hardinge) the careful consideration of two documents. The first is the pamphlet by Sir John Burgoyne on our Defensive Forces, published with a new preface in 1870, in which it was stated that in 1854—

“England was unable to maintain an effective

force in the field of 25,000 men. We must dismiss from our minds any idea of the Militia and Volunteers being available for an effective augmentation of the Regular Forces until great changes are made in their organization. The readiest way for a rapid increase of the Regular Army would be clearly by adding soldiers to the *cadres* of regiments, kept habitually weak, but fully officered; thus, even raw recruits, joining previously well-trained comrades, and a perfectly prepared organized body, would, by rapid degrees, become identified with the mass, and, if they had previously been in the service, would be of equal value to those already in the ranks. It is believed that this latter advantage might be gained by a systematic enrolment of a portion of the Militia as a Reserve Force, after a first moderately short service in the Line, or even in its own ranks. With such a system, by maintaining an habitual peace establishment of 50 men per company, with a good complement of officers, and adding 50 from a Reserve, the regular force of Infantry would be at once doubled. It is considered that by vigorous measures, and by the system of organization here sketched out, we ought to be able, even with our existing small standing Army, to produce an effective force, available for general service, of 100,000 men of all arms and 300 guns, and that this might be accomplished within a very few weeks of the outbreak of war. Such a force, with no fear of invasion before us, would be sufficient to enable this country, in conjunction with its allies, to take an effective part in any Continental operations into which it may be forced for the protection of its interests.”

The second document is the Minute of the illustrious Duke, with the detailed Report of the Committee—of which General M'Dougall was the Chairman and Sir Garnet Wolseley was a member—upon that Minute. This second document was the foundation on which Parliament sanctioned the loan which is now being expended upon the localization of the forces. The first of these documents will show what, in 1870, Sir John Burgoyne considered to be necessary for the defence of the United Kingdom: the second will show how large a proportion, and what other measures besides, had been already provided for in 1872. It has been contended that the Army Reserve men ought to be called out with the Militia; but it ought to be known that before establishing the Reserve of 1870, we issued a Circular to inquire from the officers commanding in the several districts why the previous Reserve had failed? and the uniform answer had been that two reasons operated against it—first, the men felt themselves debarred of their hope of civil employment by their liability to be called out for a month's service with the Militia; the other was that the



pay they received was not sufficient. What were the remedies we took? We doubled the pay; and with regard to training them after they joined the Reserve, we took power only to do that in such a manner as to interfere as little as possible with their civil employment. The intention then was, and I suppose is still, that they should be trained at those local depôts which are now in progress and which are to be under the command of officers of the Regular Army, where they can be trained without giving rise to any dislocation of their local employment. But my noble Friend (Viscount Hardinge) says it is a Reserve on paper. It is not a Reserve on paper, for if the Returns of the present War Department are to be trusted—as I have no doubt they are—you have got a Return showing that on a particular day only 5·0 per cent were absent from their place of payment, and no doubt on subsequent days the larger proportion of that small percentage would appear. The law requires, I admit, to be strengthened, and the illustrious Duke knows that during the time I was in office the Judge Advocate General was desired to frame and submit to Parliament a provision to remedy that defect. I wish the noble Lord would compare the statement made to-night by the illustrious Duke with the statement made by the Duke of Wellington in 1829—because some seem to think that a blight has suddenly fallen on the whole system of recruiting, and that there used to be no difficulty whatever in other times in obtaining recruits for the Army. It has always been the case, ever since literature began, that the men of the writer's day were inferior to the men who went before them. It is not Parliamentary to quote Greek, and therefore I shall say nothing about Homer except this—that you will remember every page of the *Iliad* is full of comparisons between the puny men who lived in Homer's time and the great and powerful men who lived before them. The same comparison obtains in Virgil. I believe that at the Eglinton Tournament, nearly 40 years ago, the champions who went there expected to find that the armour of those who went before them would be so large that they would not be able to fill it. But the fact was there was not a coat of mail into which any of them could get. And so it has been since the

*Viscount Cardwell*

world began. I wish my noble Friend would refer to the Report of the last Royal Commission on Recruiting, because he would there find how many men under 20 years of age were in the British Army in 1846, when enlistment was for life, and how many in 1866, when the present short service had not been introduced. I believe he would find that in 1846 there was the largest number, the next largest in 1866, and the smallest in one of the years when I had the honour to hold office, of which the particulars have recently been laid upon your Lordships' Table. But much disparagement has been made of the quality of the recruits who have recently been raised. Well, what did the Duke of Wellington say in a Memorandum of the 29th of April, 1829? He said—

“In the moments of greatest distress in the country (not when wages rose and the labour market was disturbed) recruits cannot be obtained for the Army. The man who enlists into the British Army is, in general, the most drunken and probably the worst man of the trade or profession to which he belongs, or of the village or town in which he lives. There is not one in 100 of them who when enlisted ought not to be put in the second or degraded class of any society or body into which they may be introduced.”

Now let my noble Friend look at a Return laid on the Table by the present War Department for the current year, and let him bear in mind what sort of men were recruited in 1829. Let him also look at the table which speaks of the Courts-martial, and he will there find that the number brought to trial has gone on diminishing. Let him look at the good-conduct pay, and he will find an ample increase. Of the age and chest measurement I need not speak, because the illustrious Duke has, I trust, for ever set at rest the questions raised on these points. Let him look at the Return on Education, and he will see the extraordinary improvement which appears to be going on. And if he wants to know what the behaviour of these men is, let him ask the illustrious Duke how the 30,000 men behaved who, in 1872, went into the district of Salisbury, where the people had not seen a soldier since the days when William III. marched from the West. There was, I believe, at first some apprehension what might be the consequences of the influx of so large a force. But these men conducted them-



selves in such a manner that they left behind a reputation which, I can tell him, not only endeared them to the inhabitants of the district, but produced a marked effect on some of the most distinguished foreign officers who were present. Well, then, I ask you, my Lords, is it patriotic—I would almost say decent—to be perpetually speaking of these men, engaged to defend us against a foreign enemy and to fight for the honour and interest of their country, as if they belonged to the most contemptible and worthless portion of the community? I want to know from what other portion of the community you would select 30,000 men and march them into a strange country, as was then the case with Salisbury, from whom there should be no case to go before a magistrate and no instance of abuse? My noble Friend has spoken of the Ashantee War, and finds fault with the mode in which the numbers of the 42nd Regiment were filled up from the 79th. Did he read the Report which three years ago was laid on the Table of the House, founded on the Minute of the illustrious Duke, and signed by General M'Dougall, who had a principal share in the organization of the Volunteers of Canada? General M'Dougall has shown what measures are to be taken so that the preparations made in time of peace shall be used to form a powerful Army in time of war. But for an Expedition like that to Ashantee, the national emergency did not arise on which the Sovereign is authorized by Parliament to call out the Reserves. It was, therefore, not our business to call upon the Reserves in order to fill up the three battalions going to Ashantee. Our business was, in the first place, to fill them up out of the men of the linked battalions. And here I may take an opportunity of correcting an error as to the way in which the 42nd was filled up. It is quite true a small bounty was given—and very properly given—to the men from the linked battalion who filled up the 42nd. That bounty might not have been given if the system had been in complete operation: when the men in both battalions would have been enlisted not for the separate battalion, but for the brigade. But you could not deal with men except on the terms upon which they were enlisted, and when called upon to join the 42nd these men received the bounty to which

they were entitled. The noble Viscount has referred to the difficulty in recruiting for the Guards. Well, if there has been a difficulty, permit me to say that the Guards do not come under the new system at all, but are left to the influence of the system they had before. Therefore, it cannot be owing to the new system that there has been any deficiency. But I believe I am correct in saying that after the Guards had experienced considerable difficulty under their old system the aid of the new system was brought to bear. The result I do not know, but I believe that if the aid of the brigade depôts has been frankly invoked for the recruitment of the Guards, there will have been no difficulty in obtaining the supply. I think I have sufficiently answered the arguments of my noble Friend so far as they have not been more fully answered by the illustrious Duke. I believe the case to be this—that you have in this country a larger Army than you have ever had before; that you have a greater number of men than you have ever had, and that you have a Reserve, growing rapidly, well trained, and who as soon as the new depôts are finished, will be trained continually by the commanding officers of those depôts; that these men are now always present, and may be relied upon to be present when their country calls on them, and that they do not consist of such men as the Duke of Wellington described in 1829; for however lamentable the amount of desertion may be, yet crime, in the sense of civil crime, is extremely rare in the Army. What is called crime in the Army consists of breaches of discipline and military offences; but if you speak of crime in the sense in which the Duke of Wellington spoke in 1829, the men we have got in the Army may be compared with the most exemplary portion of the people. As long as you have a voluntary Army, any Minister or Commander-in-Chief who has to deal with it will have difficulties to deal with. But these difficulties are far less than they have been in former periods of our history; and if we have been proud of our Army before, with still greater reason may we be proud of it now.

EARL GREY: My Lords, I think your Lordships and the country have reason to thank the noble Viscount (Viscount Hardinge) for eliciting these explanations, and especially have reason to

thank the illustrious Duke for the statement of facts which he has made this evening. I understood the illustrious Duke to say that, while we now get recruits of a good description, still, under the present system of short service, there is a larger proportion than could be desired of men serving in each regiment at the present moment who are not fit for active service; that our regiments are weak; and I think the illustrious Duke emphatically told us that weak regiments were of little or no consequence provided we had proper Reserves to fall back upon, but that at the present moment those Reserves are not in existence. They exist only in anticipation, and to meet a sudden exigency we have no Reserves of any importance to rely upon for bringing up the Army to what it ought to be in case of danger. Now, I wish to say that in the present state of the world this is a state of things calculated to excite in our minds very grave apprehensions. You must remember that the state of the world is very different, and the character of the dangers with which we might have to deal is very different, from what it was in former days. We now see almost the whole male population of Continental Europe drilled to arms. We see, at any rate, an enormous number of men trained in the most elaborate and careful manner, and capable of being brought into the field in a wonderfully short period of time. We have a state of things also in which our Navy—say what you will of it—is not, and cannot be, the same complete protection as it used to be. The Navies of other nations have grown up nearer to an equality with our own. There are a greater number of more powerful fleets on the sea, and the new descriptions of vessels now used make it absolutely impossible that, even if our Navy were brought to the highest state of efficiency, it could be the same protection which it was to us in former times. I have no fault to find with the Navy, or the management of the Navy; but I do say that the Navy alone, without the means of putting into the field a large disciplined force, is not sufficient for the protection of the Realm. Then there is another point. My noble Friend who has just sat down (Viscount Cardwell) has told us that there are a larger number of soldiers in the United Kingdom at this moment than there were at

*Earl Grey*

any former period. Yes; that is true. But, in the first place, you have to compare the increased number of soldiers we possess with the increased need which I have ventured to describe. Next, you must remember that you have obtained this larger force at home by utterly stripping your Colonies of the forces they used to have. Twenty years ago we always had in our Colonies a considerable force beyond what was immediately necessary for colonial purposes, which could be drawn to our shores upon sudden emergencies. When Mr. Canning sent his expedition to Portugal, Gibraltar furnished a considerable contingent. In the Indian Mutiny the Cape and the Mauritius furnished certain regiments whose assistance was of the utmost importance. But now the state of things is entirely different. Instead of drawing one man from the Colonies in the event of the sudden breaking out of war, you would have a great demand upon your forces at home for the purpose of supplying re-inforcements to your colonial possessions and your fortresses abroad. I believe there is not one of those great fortresses and military stations which we have in different parts of the globe which would not call upon you for an increased garrison if this country were suddenly engaged in war. Then, I say that, these things being true, we have a right to complain that the defence of the country is not in the condition it ought to be. When I say this, I am far from condemning either the late or the present Government for not being able to raise a greater proportion of recruits at a greater age than at present. I am quite convinced that the illustrious Duke spoke the simple truth when he said that the notion of raising recruits over 20 was a delusion. Nay, more—I agree with my noble Friend who spoke last (Viscount Cardwell) that it is a great advantage to obtain younger recruits, who will grow up into better and more efficient soldiers than those enlisted at a more mature age. But, then, if you act upon that policy, do so openly and avowedly, and do not reckon upon untrained and immature recruits for the force on which you must depend. If you are to have a small army, and an army of short-service men, it is only wise that every man of that small army should be efficient for immediate service.

And this result may be accomplished by the simple plan of taking care that if you enlist young soldiers they should be trained before they take their place in the regiment; that you do not reckon the strength of regiments by your untrained recruits, but that, on the contrary, having enlisted men at 17 or 18, and given them a two years' training, they should then, and only then, be treated as effective soldiers. We should know then what we have to rely upon. The British Army would be a real Army, and not an Army upon paper. Then, again, as the illustrious Duke pointed out, there must be an efficient Reserve. My noble Friend (Viscount Cardwell) may be right. It may hereafter grow to be a Reserve, but he does not pretend that there is a Reserve at present of sufficient force and numbers to rely upon.

VISCOUNT CARDWELL: I believe that, in round numbers, the number of the Army Reserve is 7,000, and of the Militia Reserve 30,000. But the Reserve created in 1870 does not begin to come into full effect before 1876.

EARL GREY: The Militia Reserve I do not think can be included, because you reckon them twice over—in the Militia and in the Militia Reserve. Besides, the Militia Reserve have no pretensions to be really trained soldiers. What you have to reckon upon is the Army Reserve, and you do not know, I maintain, according to the present system, what proportion even of your nominal force of Army Reserve could be depended upon if they were really wanted. It appears to me that Her Majesty's late Government made this great mistake—in adopting the sound system of short service, with a trained Reserve, they neglected what ought to have been the accompaniment of that policy, and did not provide that, until the Reserve was really obtained, a stronger force should be kept up in order to secure this Reserve the more rapidly, and keep the country safe until we could rely upon our Reserve. This appears to me to have been a serious mistake, and we are suffering from it at this moment. I had no notion that this subject would be discussed to-night, or I should have referred to some more points, and perhaps should have been better prepared; but, unexpectedly as the discussion has arisen, I cannot help asking leave to

add one word more. In my opinion, neither your recruiting nor your Reserves will ever be satisfactory until you abandon what I believe to be the great mistake of late years adopted in practically abolishing pensions. I believe the pension to which the British soldier looked forward in former times was a great means of maintaining the British Army. I have frequently discussed this subject with the father of my noble Friend now on the cross-benches (Viscount Hardinge) in former days, and he often expressed to me his strong opinion, in which I entirely concurred, that the system of allowing pensions to soldiers was not only very useful to the Army, but also of great political advantage; because it is not a wise thing in a country like this to train large numbers of men to arms and turn them adrift without having a hold upon them afterwards. If you have only short service, with no means by which the soldier may ultimately earn a pension, it is necessarily a great discouragement to men to enlist in the Army. How can you suppose that men will give five or six of the best years of their lives to military service if they know when they leave the Army that they will not be on a par with civilians of the same age, and will have no opportunity of making provision for the future? I think, now they have only 4*d.* a-day during the few years they are in the Reserve, and ultimately may be left to the workhouse or to charity. I believe that, as long as you act upon that principle, you will have no successful recruiting and no effective Reserve. The real remedy is to let your soldiers go out of the Army when they are perfectly trained. When a man is perfectly trained, I never would keep him under the colours if he wished to join the Reserve; and I would allow service in the Reserve to count, under whatever conditions you chose to impose, towards the ultimate acquisition of a pension. For example, let two years in the Reserve count as one year with the colours towards earning a pension. I believe by regulations of this kind you would obtain more and better recruits, and that you would also obtain a much more effective Reserve. I trust that in any case the necessity will be seen of every man in the Reserve being compelled to do duty with some Regular regiment in the Army for a few days in every year—because no Reserve can be

efficient unless it is certain that every man in it is available.

LORD STRATHNAIRN said, ' the question was not as to the spirit of our young soldiers, but as to whether we were obtaining recruits of a certain class or not. Her Majesty's Government possessed, under the rules of the service, a means of ascertaining the age of every soldier in the Army, which, with other particulars respecting him, ought to be entered in a special book for that purpose, and if a few examples were made of the boys who enlisted and made a false attestation as to their age, much good would result. As to the question of pensions, he believed that the great reason why the recruiting sergeant could not compete with other employers in the labour market was because pensions were no longer given. The Guards and the Royal Artillery, who fought so splendidly in the Crimea, had pensions to look forward to, and men would not volunteer for foreign service without having such an inducement. It was said that the Guards were still recruited under the old conditions; but what was the good of following such a course when all confidence that pensions would be given had vanished? If they restored the system of pensions they would have a better chance in the competition of the labour market, because young men would be willing to enter the Army in consideration of the certainty of a pension in their old age. Moreover, when once in the service the prospect of his pension would be a continuing inducement to discipline and good conduct, and would be the most effectual check upon those desertions from the ranks which had become almost a habit among recruits.

THE MARQUESS OF LANSDOWNE: I trust your Lordships will allow me to correct one or two slight inaccuracies which I think I detected in the speech of the noble and gallant Lord who has just sat down. He said that desertion had risen to an unparalleled height in consequence of the abolition of pensions, and of the introduction of short service. I would venture, with much respect, to make to the noble and gallant Lord the suggestion which my noble Friend behind me made to military critics in general—which was that before advancing propositions reflecting upon the present composition of the Army they would consult records, made from official

sources of information, with which every Member of Parliament is supplied. These Returns give, I think, a satisfactory refutation to the statement of the noble and gallant Lord. And first as to the amount of desertion. The Blue Book states that in 1861 for 10,000 troops there were 41 per cent of desertions; whereas, in 1874, for 20,000 recruits—just double the number—there were only 27 per cent of desertions. Now, the noble and gallant Lord told them that short service was the cause of desertion, because short service could not compete with the attractions of the labour market; but if he had referred to the same authority he would have seen that of 20,000 recruits enlisted last year 12,000 had selected short service, which was therefore more and not less popular than the longer term. Then as to the youth of the Army, the noble Earl on the cross-benches (Earl Grey), said he feared that there was a larger number of young men—meaning, I suppose, under 20 years of age—now in the Army than there was formerly; but if the noble Earl had followed the speech of his noble Friend the late Secretary of State for War he would have learnt that in 1846 the number of men under the age of 20 was very much larger than it was in 1866, and that in 1866 the number was considerably larger than it is now. It is a fallacy, therefore, to say that the number of young men in the Army has become so considerable as to be a cause of apprehension relatively to what it might have been some years ago. I was rejoiced to hear from the illustrious Duke—who did not say a word as to the nominal age of the recruits—that with their *physique* he was satisfied. If the Commander-in-Chief of the Army was satisfied with the *physique* of his recruits, what more can we require? The noble Earl also complained of the abolition of pensions. It is scarcely fair to speak of pensions as being abolished, for it is notorious that a certain number of men were always intended to be long service men. It will, I hope, always be the practice of the military authorities to continue the service of a fair proportion of the most efficient men, and to permit them to serve on for pension. The noble Earl spoke of pensions of 4*d.* a-day as being contemptible; but the 4*d.* a-day allowed to the reserve was not a pension, it was a retaining fee; and

*Earl Grey*



when the noble Earl spoke of sending men back to the parish with nothing but this allowance upon which to depend, he did not remember that if the soldier enlisted at 18 he could not, at 24, when he had become a strong well-trained soldier, be spoken of as being sent back to the parish in the sense in which the noble Earl had used those words. All this criticism is based on the assumption that the great experiment initiated by the late Government has failed. I altogether deny that it has failed. It has not failed, because it has not yet had a trial. I know no trade or profession of which such strange statements are made as those which are made of the British Army. If it could be said of the Police, for instance, that men were forthcoming in sufficient numbers; that their *physique* was satisfactory; that increased arrangements had been made for their comfort; and that their conduct had improved, could we be told that the force was in an unsatisfactory condition? I cannot conceive how statements so depreciatory of the quality of the soldiers who fill the ranks of the British Army should be so recklessly made.

THE DUKE OF RICHMOND: I do not know, my Lords, that I should take part in this discussion had it not been that frequent appeals have been made to Her Majesty's Government on the subject brought before the House by my noble Friend, and the advice given to them as to the course which they should adopt. I think we ought to be very grateful to my noble Friend who initiated this discussion (Viscount Hardinge) for having brought out so much interesting detail upon a matter which is so important in every possible sense in which it can be considered. I can assure my noble Friend that my right hon. Friend the Secretary for War has not been resting on his oars. My right hon. Friend is as perfectly satisfied as anyone can be that it is his duty to see that the country is possessed of as efficient an Army as it is possible for him to recommend to either the Houses of Parliament or the country to uphold and maintain. And with regard to the question of recruiting and of the Reserves, these are matters of such importance that they are the first to which he must devote his attention, with a view to see—if the present systems require improvement—

how best they can be improved. The noble Earl on the cross-benches (Earl Grey) recommends that no recruits under two years service should be allowed to count in the battalions to which they belong. Well, if that suggestion were adopted—and I offer no opinion upon it—it is obvious that the number of men in each battalion must be largely increased, and that the Chancellor of the Exchequer must be approached for a considerable sum to acquire and maintain them. With respect to the Reserves, I agree with what was said by the noble Viscount, the late Secretary for War, that the state of the Reserves is not altogether satisfactory. The noble Viscount said that more power was required with respect to the Reserves, and I understood him to intimate that sufficient power did not exist for the calling out of the Reserves from time to time to drill with the troops in the districts in which they were located. I believe it would be a benefit to the service if the Reserves were so called out. It is clear that if you have a Reserve upon paper of 7,000 men, you ought every year to be able to produce that Reserve in some form or other in which they may be useful. The noble Viscount said it was an error to say that the Reserve existed only on paper, as the men appeared regularly on quarter-day for the money due to them. That being so, it is worthy of the consideration of my right hon. Friend whether some mode might not be adopted by which they could be occasionally called out and shown to exist.

VISCOUNT CARDWELL explained that the difficulty to which he had referred arose from the fact that the *dépôt* centres had not all been formed.

THE DUKE OF RICHMOND: I am obliged to the noble Viscount for the explanation. I was observing that if we have a Reserve it ought to be a real and not a sham Reserve, and that there ought to be means of demonstrating its existence. Something has been said in regard to the character of the soldiers of the Army of the present day. Now, I do not think that the moral character of the British soldier of the present day has ever been assailed. I can bear testimony to the character of the men quartered at Chichester. The Returns must show that it is a very unusual thing for the men there to be brought up before a magistrate; and I think I can say for



the people of Chichester and the neighbourhood, that the more soldiers the illustrious Duke sends us the better we shall like it. I must, however, corroborate what has been said by my noble and gallant Friend near me (Lord Strathnairn) as to the Guards not being in a satisfactory state as regards recruiting. I have a personal interest in the subject, because I have two sons in the Guards—one an Adjutant, and the other a Captain—and I am sorry to say that the Guards are at present by no means up to their strength. This may be in part because they are required to be of a better *physique* than the rest of the Army, and partly because from the present state of the labour market they cannot get the men they require. Before I sit down I may assure my noble Friend that my right hon. Friend the Secretary of State for War is fully alive to the importance of the subject. If I may be allowed to do so, I would also thank the illustrious Duke for the very able and satisfactory statement that he has made to us this evening, and so far from any apology being due from him, I think he has only performed his duty in stating the exact facts in regard to this question. It is by no means unusual for noble Lords or right hon. Gentlemen, or even for the head of the Government in this country, to take the opportunity of a convivial meeting to put the country in possession of certain facts, or to state his views or theirs on particular subjects: and it might have been expected that the illustrious Duke—indeed, if I may say so, it would have been almost culpable on his part if he had neglected to do so—would take the opportunity of saying something as to the *physique* of the soldiers, and to vindicate the condition of the Army under his command, and which he is seeing or inspecting almost every day. After reading the text and the context of the speech made by the illustrious Duke on the occasion in question, I cannot understand how anyone could put a different construction upon that speech from that which the illustrious Duke has told us he intended to convey. He stated that the soldiers he inspected at Aldershot were of such a *physique*, that he should be ready to take them at five minutes' notice to any part of the world; but he by no means said he would be satisfied with 500 of such men when he ought to have 1,000,

*The Duke of Richmond*

or 1,000 of them when he ought to have 2,000. The illustrious Duke only said in regard to the men and the stuff they were made of that they were not inferior to former soldiers of the Army. The illustrious Duke's opinion did not require to be corroborated, but it was borne out by the opinion of an unprejudiced person, Sir Thomas Steele—and there could be no more competent authority—who was astonished at the *physique* of the men at Aldershot. Sir Thomas Steele was an old soldier of distinction, who had served on Lord Raglan's Staff throughout the Crimean War, and was thoroughly competent to give an opinion upon such a matter. I must, in conclusion, offer my thanks to my noble Friend for having brought on this discussion, which I think will be of considerable use in the country. I would also trust that attention will be given to the most useful suggestion made by the illustrious Duke to those in authority—that it is to the Horse Guards to which complaints should be made by Colonels and other officers rather than to the "man in the street."

LORD WAVENEY rose to express his regret that so little attention had been given to the Militia, whose physical development and attention to drill and discipline pointed them out as a most important branch of the Reserve. Had anyone forgotten the Militia Regiments, whose physical appearance was much superior to that of the recruits of the Line, who took garrison duty in the Mediterranean during the Crimean War? A great improvement had been effected in the Militia within the period of his own observation and experience. They were stout and strong soldiers; and if the British Army had a reserve of 50,000 such men with 100 guns, such a force would go far to determine the warlike policy of the strongest State in the world. Such a reserve might easily be obtained if due measures were taken, and the services and training of the Militia would enable them to supply a Reserve sufficient for any emergency that might arise.

House adjourned at half past Eight  
o'clock, till To-morrow, half  
past Ten o'clock.

## HOUSE OF COMMONS,

*Monday, 31st May, 1875.*

MINUTES.]—NEW MEMBER SWORN—Stephen Moore, esquire, for Tipperary County.

PUBLIC BILLS—*Second Reading*—Government Officers Security\* [188].

Committee—Friendly Societies (*re-comm.*) [169]—R.P.

Committee—*Report*—Summary Prosecutions Appeals (Scotland)\* [136-191]; Intestates Widows and Children (Scotland)\* [132]; Metropolitan Police (Surgeon, Clerk, &c. Superannuation)\* [172]; Public Entertainments\* [178]; Survey (Great Britain) Acts Continuance\* [181]; Turnpike Roads (South Wales)\* [183].

*Report*—Pier and Harbour Orders Confirmation (No. 2)\* [113].

*Considered as amended*—Customs and Inland Revenue\* [158].

*Third Reading*—Public Health (Scotland) Provisional Order Confirmation (No. 3)\* [167], and passed.

## ARMY—GUNNER CHARLTON—TREATMENT OF MILITARY PRISONERS.

## QUESTION.

SIR EDWARD WATKIN asked the Secretary of State for War, If any report has been made to him of the case of gunner Henry George Charlton, of the Royal Horse Artillery stationed at Topsham Barracks, Exeter; and if that report justifies the belief that gunner Charlton having been sent to Millbank Prison after sentence of court martial for insubordination, was placed in a dark cell at that prison, was frost-bitten, and is now a cripple and permanently incapacitated for future military service; whether on his return to barracks a statement from gunner Charlton was not taken down in the belief that he was in a dying state, and if a copy of that statement has been placed in the possession of the Right honourable Gentleman; and, if so, at what date and by whom, and in whose presence was it taken down; and, if gunner Charlton had not been eleven years in Her Majesty's service and had borne good conduct stripes until November last?

MR. GATHORNE HARDY, in reply, said, that Gunner Henry George Charlton, of the Royal Horse Artillery, stationed at Exeter, was sent to Millbank Prison for 104 days for insubordination, and that during that time he became, to a certain extent, emaciated; but he left the prison being supposed by the doctor

to have nothing the matter with him, and he made no complaint of illness while he was in prison. It appeared from his statement that his feet subsequently to his having been put in confinement became so benumbed that he had very little consciousness of feeling in them, and that he made no mention of the circumstance to the doctor because he was afraid of being put in the prison hospital and kept longer there than the term of his sentence. When he was taken by the escort back to Exeter it appeared from all the information given that he received every kindness during the journey. He walked with difficulty, however, from the train, and next morning it was found that he was in a state which required his being sent to the hospital. In hospital it became apparent that his feet were frost-bitten. He lost part of one foot, and the toes of the other, and he is now a cripple and incapacitated from service. His statement was taken down in the presence of the chaplain of the Royal Horse Artillery, and of a junior officer, on the 17th of March. Upon the Papers before him he (Mr. Hardy) had personally come to the conclusion that the injury to the feet, from which Charlton suffered, commenced in the prison, and not subsequently, and that it was owing to his not having communicated his sensations to the medical attendant. The circumstances of the case, however, were of such a character that he thought he would best discharge his duty by placing all the Papers in the hands of Colonel Du Cane, Director of Military Prisons, and when his Report was received he would be happy to lay before the House further information.

## COAL MINES—USE OF GUNPOWDER.

## QUESTION.

SIR SYDNEY WATERLOW asked the Secretary of State for the Home Department, If his attention has been called to the evidence given at the inquest on the bodies of the 43 persons killed by the recent explosion at Bunker's Hill Colliery, near Stoke, when three Government Inspectors expressed their condemnation of the use of gunpowder for blasting coal in firey mines during the time the colliers are at work; and, whether the Government intend to propose any measure this Session for protecting

the lives of coal miners, by placing further restrictions on the use of gunpowder in blasting coal?

MR. ASSHETON CROSS, in reply, said, that the House might remember that he stated some time ago that he would take precisely the same course in the case of this unfortunate accident as he had felt it his duty to adopt last year in the case of the accident at Dukinfield. Accordingly, two Inspectors were present at the inquest, and a barrister of great experience also attended on his behalf to elicit all the circumstances connected with that terrible explosion. The latter gentleman had made a special and very important Report to him, containing certain valuable suggestions which deserved consideration. That Report would be laid on the Table, and in a few days he would see some Inspectors of Mines of great experience; but until he had seen those gentlemen he could not state the views of the Government as to what ought to be done.

MERCANTILE MARINE—FOG SIGNALS  
—LOSS OF THE SCHILLER.

QUESTION.

MR. W. H. JAMES asked the President of the Board of Trade, Whether his attention has been called to the circumstance that the crew of the "Schiller" (which was lost during a fog within half a mile of the Bishop's Rock Lighthouse) neither saw the light nor heard any fog signal, although it was stated that a good look-out was kept; whether his attention has been drawn to a gas burner, invented by Mr. Wigham, which has been tried practically at Lighthouses in Ireland, and which is stated in Professor Tyndall's report to the Board of Trade to be the most powerful burner in use; whether Professor Tyndall, in his report on fog-signals, (Paper 188, Session 1874) does not describe the steam siren as the most powerful fog signal which has hitherto been tried in England; and whether, in conjunction with the Trinity House, the Board of Trade proposes to take steps to adopt these improvements for the Lighthouses of Great Britain and the Colonies?

SIR CHARLES ADDERLEY: Sir, an inquiry has been ordered into the circumstances attending the loss of the *Schiller*. It was necessary to correspond with the German Government first, but

*Mr. Sydney Waterlow*

it will commence at Greenwich to-morrow. With regard to the steam siren reported on by Professor Tyndall, and also to the use of gas in lighthouses, Papers have been laid on the Table this Session, on both subjects, more fully explaining than I could in an Answer to a Question, what steps have been taken by the lighthouse authorities and the Board of Trade in adopting these improvements. The gas Papers were presented in February last, and have been some time circulated. The fog-signal Papers will be out shortly. The lighthouse boards are quite alive to the importance of adopting the best improvements.

POOR RATES (METROPOLIS)—  
COLLECTION OF RATES—ST. JOHN'S,  
HAMPSTEAD.—QUESTION.

COLONEL BERESFORD asked the President of the Local Government Board, On whose authority the Poor Law Auditor has directed the collectors of rates for the district of St. John's, Hampstead, to issue at the foot of the demand for rates a red-ink notice requiring immediate payment of the amount, notifying that only one demand will be made, and, in case of default, that application will be made to the magistrates to issue summonses?

MR. SCLATER-BOOTH, in reply, said, he had made inquiry into the subject of the Question, and found that the auditor had given no such directions as those imputed to him. When the auditor audited the accounts after Lady-day, 1874, he found that out of a total amount of £14,000, no less than £2,000 was in arrear.

MERCANTILE MARINE—LIGHTHOUSES  
—TELEGRAPHIC COMMUNICATION.

QUESTION.

MR. A. P. VIVIAN asked the Postmaster General, Whether, with the view of lessening the great suffering and loss of life occurring on such occasions as the recent loss of the "Schiller" off the Scilly Isles, he will take into consideration, if necessary with the Board of Trade and Trinity House, the establishment of telegraphic communication between isolated lighthouses and the nearest land; and, in the event of no special fund being now applicable for this purpose, the Government will consider

how the necessary expenses should be met?

LORD JOHN MANNERS, in reply, said, he understood that neither the Board of Trade nor the Trinity House was very favourable to the suggestion contained in the Question. From a purely Post Office kind of view there were serious objections to it; but, as his right hon. Friend (Sir Charles Adderley) had just announced, an inquiry into the loss of the *Schiller* would be commenced to-morrow; and if, in the course of that inquiry, anything transpired tending to modify the opinion of the Department on the subject, it would, of course, be his duty to communicate with the two Departments he had mentioned, and he should be very glad to communicate the result to the hon. Gentleman.

#### MERCANTILE MARINE—SEAGOING SHIPS.—QUESTION.

MR. PLIMSOLL asked the President of the Board of Trade, When the promise he made in the beginning of the Session that records of the draught of water of seagoing ships should be taken in the ports of London, Liverpool, Leith, Glasgow, and Belfast, &c., will be carried into operation?

SIR CHARLES ADDERLEY: Sir, we have received since the 1st of February records of draughts of water from all the ports named, and have made new arrangements for more complete records than formerly. We do not think it right to increase the staff of surveyors, as it must be to make such records complete, until the Bill now before the House is passed.

#### MERCANTILE MARINE — THE WRECK REGISTER 1874 AND 1875. QUESTION.

MR. PLIMSOLL asked the President of the Board of Trade, When the Wreck Register for the year ending June 1874, will be ready for issue; and if he will direct that these Returns shall be issued with less delay in future?

SIR CHARLES ADDERLEY: Sir, the Wreck Register for the year ending June, 1874, has been some time in the printer's hands, and is completely revised and ready for publishing. The alteration of making up the Return to June, instead of December, so as to get the whole of each winter in one Return

and the insertion of additional matter, has caused some delay. The Wreck Register up to June, 1875, will be presented shortly, and I hope will be circulated before the end of the Session.

#### INDIAN STAFF CORPS—THE ROYAL WARRANT.—QUESTION.

COLONEL JERVIS asked the Under Secretary of State for India, Whether the Staff Corps in India was formed by a Royal Warrant which regulated their pay as well as their rank?

LORD GEORGE HAMILTON: Yes, Sir; they were formed by a Royal Warrant in 1861, which regulated their pay as well as their rank. The Warrant, he might add, was issued, not on the recommendation of the Secretary of State for War, but of the Secretary of State for India.

#### ARMY—SHORT SERVICE—SERVICE IN INDIA.—QUESTION.

SIR GEORGE CAMPBELL asked the Secretary of State for War, If he would state to the House whether any and what arrangements have been made to render the present system of short service in the Army compatible with the conditions of service in India, and to protect the India revenue from the heavy burden which will be imposed on it if men are sent to India for very short periods; and, in particular, whether it has been in any way made generally known that the following passage in the "Memorandum showing the Advantages of the Army, and the terms on which young men are invited to join Her Majesty's forces," does not apply to troops serving or ordered for service in India:—

"Within such limits as may from time to time be prescribed, soldiers may, on the recommendation of their commanding officers, and with their own free assent, after three years' Army service, pass to the reserve, and complete in that force the unexpired portion of their engagement?"

MR. GATHORNE HARDY, in reply, said, as to the latter Question of the hon. and gallant Member, no case had hitherto arisen on that part of the recruiting order. The thing was to be done on the recommendation of the commanding officer, and there had been no such recommendation. As to the other portion of the Question, he could only say that the subject was under his attention, and that he had promised to



confer with the Secretary of State for India in regard to it. At present, however, no arrangement had been come to.

ARMY—THE LINE AND THE MILITIA.  
QUESTION.

SIR HENRY HAVELOCK asked the Secretary of State for War, Whether he has considered the advisability of taking steps to prevent the men of the Army Reserve enrolling themselves also in the Militia, as it is currently reported that they do, by mustering them once a month during the militia training season, or by any other means; whether he proposes to encourage volunteering from the Militia to the Line, by inviting militia men to transfer their services to the latter, during or at the end of the training now going on; whether he proposes to encourage the increase of the Army Reserve by directing officers commanding regiments of the Line to give every facility to men desirous of passing into the Reserve after three years' service; and, whether, with a view to this end, he will consider the advisability of making some small increase to the pay of the Reserve in the shape of "deferred pay."

MR. GATHORNE HARDY: Sir, before I answer my hon. and gallant Friend, I wish to call the attention of the House to the character of his Questions. They are, in fact, inquiries as to the future policy of the War Department, and I am sure the House will not expect subjects which might lead to discussion to be raised by Questions of this kind. I can assure the hon. and gallant Member that both with regard to the Reserve and the Militia the suggestions he has made are undergoing at the present moment every consideration.

THE SUNDAY ACT—  
TERRY v. BRIGHTON AQUARIUM  
COMPANY.—QUESTIONS.

SIR GEORGE BOWYER asked the Secretary of State for the Home Department, What are the intentions of the Government with regard to the Statute 21 George 3, c. 49, and whether the Government will introduce a Bill of indemnity as well as a Bill repealing or otherwise dealing with such Act; and, whether the Secretary of State for the Home Department or the Attorney General have the power to stay pro-

*Mr. Gathorne Hardy*

ceedings taken under the Act or otherwise prevent the recovery of penalties, and whether that power will be exercised accordingly?

MR. ASSHETON CROSS, in reply, said, that the Brighton Aquarium Company had consented to open the institution on Sundays simply as a scientific institution, though money would be received at the doors. The question to which the hon. Baronet referred would be tried immediately before a Court of Justice, and, according to the judgment pronounced, the Government would take such action as they might deem right. He did not think the case was one in which penalties ought to be inflicted, and so far as he had the power he should take care that they were not enforced.

SIR GEORGE BOWYER asked whether the Aquarium might be opened as a place of amusement?

MR. ASSHETON CROSS: That is precisely the question a Court of Law will have to decide.

NAVY—LOSS OF H. M. S. "CAPTAIN."  
QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, Whether his attention has been directed to a pamphlet entitled "The True Story of the loss of the 'Captain';" and, whether the Board of Admiralty intend to institute an inquiry with the view to ascertain upon whom rests the responsibility for the loss of Her Majesty's ship "Captain?"

MR. HUNT, in reply, said, that he had read the pamphlet named, and had duly considered the suggestion made that an inquiry into the loss of the *Captain* should be held. He had, however, come to the conclusion that no public object would be gained by taking that course.

CHURCH OF ENGLAND—THE  
VICARAGE OF HALIFAX.—QUESTION.

LORD FREDERICK CAVENDISH asked the First Lord of the Treasury, Whether under the provisions of the Act 10 Geo. 4, c. 14, local and personal Acts, a rate termed the vicar's rate is levied in lieu of Easter offerings on all houses in twenty out of the twenty-three townships of the parish of Halifax (a district containing 82,000 acres, and a population in 1871 of



173,313) on behalf of the Vicar of Halifax, whose ecclesiastical district has an area of 120 acres, and a population in 1871 of 9,927; and, whether he can now state if any appointment to the Crown living of Halifax now vacant will be made subject to the amendment of the said Act?

MR. DISRAELI: Sir, my attention has been called to this subject, but the facts of the case, so far as I can ascertain, do not entirely agree with those which the noble Lord on the present as on previous occasions has intimated to the House. The stipend which the Vicar of Halifax now receives is not a stipend, to use the language of the noble Lord, which "is levied in lieu of Easter offerings" only. It is a stipend levied in lieu, first of all, of tithes, of mortuaries, and of more than one other rate. The annual income derived or derivable from these sources would be very large indeed. I have an estimate, in which I place some confidence, which gives them at the time the Act passed in 1827 at £12,000 a-year. The House may be astonished to find that is so; but it will be still more astonished when I state that an estimate has reached me—and one founded, no doubt, on substantial data—in which this revenue is said to have amounted to £40,000 a-year. Hon. Members will therefore see that this was a large business, and that when the Act was passed and the Vicar accepted in lieu of this vast income a stipend of £1,409, the arrangement was one which cannot well be described as unfavourable to the public interest. On the contrary, I think some dissatisfaction was experienced at it by those connected with the Vicar. But by the Act of 1829 of course all parties are bound. One of the districts concerned has already redeemed its portion of the payment, and it is open to all the others to do the same. Under these circumstances in submitting any name to Her Majesty to fill this important living, I am not at all, as at present advised, prepared to make any condition that the Act of Parliament should be tampered with. I think the arrangement which has been made is, on the whole, in favour of the public interest. I will reserve to myself the right however, in recommending a new incumbent to the Crown, to make any other condition I may deem necessary, such as a condition relating to the important leases

falling in in the course of 12 or 14 years. Beyond that I do not think it is necessary I should say anything in reply to the noble Lord's Question.

#### POST OFFICE SAVINGS BANKS.

##### QUESTION.

SIR JOSEPH M'KENNA asked Mr. Chancellor of the Exchequer, having reference to the Return of the Comptroller General issued on Friday last, Whether the profits of £118,687, which have apparently accrued to the State according to that Return, are not wholly or to some and what extent attributable to the fact that a part only and not the entire of the expense of the service and administration of these banks is defrayed by the Post Office Savings Banks department; and, whether he can state to the House that any profit whatever would appear on the working of the Post Office Savings Banks if those institutions were charged as a department with the full quota of their cost to the State, including the ordinary rates of postage, and involving a distribution of salaries of postmasters and assistants, so that the Savings Banks Department would bear its full quota, having regard to the proportion of the labour and responsibility which appertains to the Savings Banks operations?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that the Question asked by the hon. Gentleman was rather a difficult one for him to answer. The principle on which all these things were regulated was to charge to the revenue of the Post Office all the expenditure incurred in it. That was the practice in dealing with all the departments of the public service, and with regard to the charge for postage there was no difference whatever made with the Post Office. It was conducted on the same principle, subject to the control of the Treasury.

#### CRIMINAL LAW—PRISON RULES—THE CABINET MAKERS.—QUESTION.

MR. MUNDELLA asked the Secretary of State for the Home Department, If it is true, as stated in the "Weekly Dispatch" of the 30th May, that the cabinet-makers sentenced by Baron Cleasby for picketing are required, in addition to cleaning their cells and working at the bench during the day, to pick oakum in their cells at night; and, if so, whether

it is in accordance with the sentence passed upon them?

MR. ASSHETON CROSS, in reply, said, he made some inquiries into this matter and found that in no case did any irregularity occur. The rules of these prisons were drawn up by the Inspectors, subject to the approval of the Secretary of State for the Home Department, and certainly in this case from the information he received they were not violated.

#### SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL.

##### QUESTION.

MR. MELDON asked the Chief Secretary for Ireland, If he has received a communication from the Lord Mayor of Dublin with reference to the closing of public houses on Sunday; and, if so, whether there is any objection to lay a copy of such letter upon the Table of the House, and to have same printed and circulated before the Debate on the Sale of Intoxicating Liquors on Sunday (Ireland) Bill is resumed?

SIR MICHAEL HICKS-BEACH, in reply, said, that he had received a letter from the Lord Mayor of Dublin embodying the sentiments expressed at a meeting over which he presided as chairman in that city in favour of closing public-houses on Sundays in Ireland. Of course, the Government would consider and take its own course on the question, and while he had no objection to lay this letter on the Table, he doubted whether it would serve any useful purpose to do so.

#### PRIVILEGE—PETITION FROM DUBLIN—FICTITIOUS SIGNATURES.

##### QUESTION.

MR. MELDON said, that in a Petition presented on Friday last purporting to come from the working men of Dublin against the Bill for closing Public Houses on Sunday in Ireland there were a number of forged signatures, amongst them being those of the hon. Member for Londonderry (Mr. C. Lewis), who had moved the second reading of the Bill, and the Secretary of the Irish Sunday Closing Association. Many of the signatures also were fictitious, such as "D. Donkey," "Tim Graball," "Tom Wheelbarrow," and "Arthur Ring, M.P.;" while many persons were named, professional men and others, whose addresses

*Mr. Mundella*

could not be found. He wished to know, under these circumstances, what steps would be taken in the matter?

SIR CHARLES FORSTER, in reply, said, that the Committee on Petitions at their last meeting had submitted this Petition to a very minute examination, and at the next meeting they would decide whether the matter should be submitted to Parliament or not.

#### PARLIAMENT—PUBLICATION OF DEBATES AND EXCLUSION OF STRANGERS.

##### ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [4th May],

"That this House will not entertain any complaint, in respect of the publication of the Debates or Proceedings of the House, or of any Committee thereof, except when any such Debates or Proceedings shall have been conducted with closed doors, or when such publication shall have been expressly prohibited by the House, or by any Committee, or in case of wilful misrepresentation, or other offence in relation to such publication,"—(*The Marquess of Hartington.*)

And which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "it is not expedient to make any permanent alteration in the Rules relative to the Reports of the Debates or Proceedings of the House, or of any Committee thereof, or as to the presence of strangers in the House, until the House has more fully considered the present system of reporting its proceedings with the aid of information to be obtained by the appointment of a Select Committee,"—(*Mr. Mitchell Henry,*)

--instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. GATHORNE HARDY said, that every hon. Member would recollect the circumstances which led to the adjournment of the debate on the former occasion—that an hon. Member (Mr. Sullivan) at the moment he (Mr. Hardy) rose to address the House called attention to the presence of Strangers. When an hon. Member had, by calling attention to the presence of Strangers, achieved the object he said he had in view of obtaining a discussion on that subject, it did seem to him (Mr. Hardy) a peculiarly Irish proceeding that the same hon.

Member should endeavour to put an end by the same means to the discussion which he had himself been instrumental in raising. Of course, the House might have proceeded with the subject then—and it might be better to continue the debate if similar circumstances should again arise; but it was thought advisable that there should be an adjournment, in order that they might rid themselves of the heat which had arisen under the special circumstances of the case, and discuss the question calmly—as all questions of Privilege ought to be discussed, because there was no doubt that all matters of this kind should be settled, not by Party divisions, but on their merits. He should oppose both the Motion of the noble Lord the Leader of the Opposition (the Marquess of Hartington), and also that of the hon. Member for Galway (Mr. Mitchell Henry), for a Committee to inquire into the subject. He thought there was no necessity for such an inquiry, for he might remind the House that some of the ablest men that had ever sat in the House had sat on Committees on the subject; all the information that was necessary had been acquired, and upon every occasion the Committees had come to the conclusion that nothing was more dangerous than to tamper with the unwritten law of Parliament. He quite admitted what the noble Lord had stated in his speech—that publicity was a great advantage, and of those who might take part in this discussion there was not one probably who would be of a different opinion. Every Member of the House felt the great advantage which the House and the country alike derived from the great attention their debates received out-of-doors—the reports of their debates had a great share in forming public opinion outside the House, while it enabled the representatives within to gather the views held as to the proceedings within the House. But while this had been recognized for a great number of years, and no advantage had been taken of the breach of Privilege—which any publication of the debates might be said to be—yet at the same time there had always been a steady resistance on the part of the principal Members of the House to laying down any definite rules with respect to the publication of the debates. What the noble Lord proposed to do was altogether to alter the position, for—

without authorizing the publication, and without taking that step which he believed some hon. Members were anxious to take—namely, that there should be authorized Reporters appointed by the House—which would seem a very logical step—the noble Lord appeared to him to be prepared to give a partial recognition to the Reporters of the Press, who now occupied their seats in the gallery on sufferance only, as Strangers, without giving them that full recognition which authorized Reporters would receive. The consequence of adopting the proposal of the noble Lord would therefore be simply this—it would remove the existing difficulty one step further away as soon as this partial recognition was given, instead of a general objection being taken to the publication of their debates—and he thought he might say that none had ever yet been taken because all Members were put upon perfect equality with respect to the reporting of debates—the moment they come to the question of misreporting, to which subject the noble Lord's Motion was entirely addressed, every Member who thought he had not received full justice on the part of the Reporters—whose speech was too much abstracted, or whose speech by being put in an abstract form might give a different impression from that which the Member meant to convey—would have an opportunity of appealing to that House which had guaranteed him that there should be a publication of the debates, and of calling attention to the misreport; and by this means he believed that they would be getting into far worse trouble than any which they had ever suffered from the publication of the debates under the present arrangements. The noble Lord, in fact, invited them to go into these questions; and was it a wise thing that they should do so? He should be sorry to point attention to any particular Member, but it must be within the cognizance of the House that Members had complained in their places that they had been misrepresented, misunderstood, or their speeches so altered as to give a different impression from that they were intended to convey; but hitherto it had been impossible to prove wilful misrepresentation, and therefore it seemed to him that the noble Lord's Resolution was, by the definition "wilful misrepresentation," and by giving this sort of

half recognition to the Reporters, doing that which would more than anything else tend to the "interruption of their debates and to questions of Privilege" which under former circumstances never had arisen. Because, what was the question which had arisen? The question really which had arisen was the spying Strangers, and not the publication of the Debates. With the exception of the reporting the proceedings of a Committee of the House to which attention had been called by the hon. Member for Londonderry (Mr. Charles Lewis), and the circumstances of which were peculiar—he thought he might say that with respect to the House itself, there had not been any complaints of reporting or of any breach of Privilege on account of the reporting, which had now gone on for so many years. But it seemed to him that the words to which he had referred were of such a character that they would at once raise this question:—Hon. Members would have themselves admitted Reporters into the gallery and allowed them to report, and might then call upon the House to entertain a complaint that there was a "wilful misrepresentation." But who was to supply the motive?—who was to say when a report was a "wilful misrepresentation" and when it was not so? Those Members who made the complaint would declare it to be wilful and would discuss it in that view. But what was most to be desired was that questions such as these should not be raised and forced on the attention of the House to the interruption of Public Business, and the noble Lord's Resolutions giving recognition to a particular portion of the public which had never been given before, and recognizing them in another sense than that of Strangers, was putting them in a false position, while it at the same time put the House in a false position by giving it no security against repeated discussions of this kind. He could quite understand the position taken by some hon. Members of having authorized Reporters appointed by the House, though he was opposed to it himself—that was a clear and intelligible principle, and might have great advantages. But what position did the House put itself into by the sort of recognition which the noble Lord proposed? There was no obligation upon anyone who was admitted to the

House to report in any particular manner. There was no obligation placed on those connected with the Press to report either fully one Member or to report all Members fully—it was left entirely to their own control—the House exercised no authority over them; and he was not aware that there was any reason for picking out from the whole of the public one particular portion of it over whom the House could exercise no control, and who perhaps were more irresponsible than any other part of the public, and give them a *locus standi* in that House which no other part of the public had. But by adhering to the old rule as to the exclusion of Strangers the House would always remain entirely masters of the situation, and would have an opportunity of remedying any wrong done to the House by misrepresentation by adopting the Motion of his right hon. Friend (Mr. Disraeli). When he came to what should be done it seemed to him that in adopting the Motion of his right hon. Friend they would heal the only wound which was really an open one. The hon. Member for Louth (Mr. Sullivan) had put the question forward as a member of the Press; but upon that point, without wishing to say anything in the least degree discourteous to him, he (Mr. Hardy) did not think it advantageous to the House that any hon. Member should bring forward a question in any other capacity than as a Member of the House, and should claim not as a Member but as a journalist exceptional treatment for the class to which he himself belonged. He could not see any ground for treating the Press differently from any other portion of the public. Anyone not a Member of the House was a Stranger, and when he was so admitted it was by courtesy only. He warned the House against laying down new rules upon this subject, and giving exceptional privileges to an exceptional class. The grievance when the question was looked at properly was but a small one; and where there was not a great cause, why should they go to what might be called a great and excessive remedy? The only remedy needed for what had happened was that they should put on a new footing, to a certain extent, the exclusion of Strangers. The only question really before them was whether there was a liability to an abuse of the Privi-

*Mr. Gathorne Hardy*



leges which Members possessed of spying Strangers and clearing the House without the House having any voice in the matter? Were they any longer to allow, as the right hon. Member opposite (Mr. Lowe) had said, that an observer of Strangers in the House should be the King of the House, and able to do that against the will of the House without calling it into consultation at all? He had come to the conclusion, with his right hon. Friend, that they had better stop short of anything further than remedying the precise evil. It seemed to him the Resolution of the noble Lord was of a character which would lead to very much greater abuse, and he thought it would be better to proceed to negative that Resolution, and also the Amendment of the hon. Member for Galway, and content themselves with applying that remedy only which was adequate to the occasion.

COLONEL MURE said, he wished to say a word or two in regard to the subject under discussion, because he thought it was one which affected the credit and honour of the House, and therefore of the whole country. He thought those who had hitherto taken part in the discussions might be divided into two classes—there were those who thought the Reporters performed too much, and they had as their leader the hon. Member for Londonderry (Mr. C. Lewis); and there were those who complained that the Reporters did not do enough, and who had the hon. Member for Galway (Mr. Mitchell Henry) as their “guide, philosopher, and friend.” But before he addressed himself to the Resolutions there was one thing in regard to which he thought the country should be informed, and that was that there was no very grave conflict going on between the House of Commons and the Press as seemed in some quarters to be imagined. He did not believe there was any time in our Parliamentary history when Parliament more valued the co-operation of the Press than it now did. In the absence of the means which the House had of communicating with the public by means of the Press, the House would be absolutely dumb and paralyzed, as it had been recently on two occasions—though that did not appear to be the opinion of the hon. Member for Cavan (Mr. Biggar) or of the hon. Member for Louth (Mr. Sullivan), who had set them-

selves up as the Paladins of the Press. The House would recollect how the hon. Member for Cavan the other night drew out of an old worn-out armoury a weapon which was useless for all practical purposes except that of annoying; unless, indeed, the hon. Member considered that causing annoyance was a practical purpose. If so, he (Colonel Mure) had pleasure in the reflection that the hon. Member's thoughts were not the thoughts of the House, nor were his ways the ways of the House. The hon. Member for Louth also the other night came forward as the representative of an Irish newspaper, and in prodigious language and gigantic exaggeration astonished the House, as he called upon the heavenly bodies to stay their course, while he did battle with and slew a purely imaginary enemy of the liberties of the Press, and finally paralyzed the House by his Motion for the exclusion of Strangers, under the erroneous idea that the House was arrayed against those liberties. The House had to consider the inconvenience of two legal fictions. The effect of one of these legal fictions was this—that Reporters who reported with the full leave and authority of the House in its corporate capacity the proceedings of the House, and with the concurrence of Select Committees of the House the proceedings of these Committees, did that which was wrong: the other legal fiction was that persons who came into the House under conditions which the House had laid down were doing wrong in sitting in the Reporters' Gallery, or in the places which were set apart for Strangers. Those legal fictions appeared to him to be monstrous paradoxes, and to contain in them grave inconveniences. The hon. Member for Londonderry (Mr. C. Lewis) the other night used one of these legal fictions in order to “put the screw on” to obtain the information which he desired. He (Colonel Mure) did not take issue with the motive of the hon. Member; but he did take issue with the weapon which he used, and the mode in which he handled it. The Prime Minister the other night observed that a suspension of the Standing Orders would deprive an hon. Member of the power of annoying the House by moving the exclusion of Strangers. But that appeared to him (Colonel Mure) a clumsy method of guarding against abuses of the privileges of an hon. Mem-



ber. The Prime Minister had spoken of the unwritten law of Parliament, and warned the House of the danger of an attempt to codify the common or unwritten law, which had been handed down or piled up by the wisdom of those who had gone before us. After all, however, what was the great unwritten law of all Representative Assemblies in a free country? Why, that which had its birth in the very first conception of freedom—namely, obedience to the decision of the majority. Surely the House must have felt that this unwritten law was endangered when it could be set aside at the will or at the caprice of any hon. Member, and sorely outraged when the House had to bow down without remonstrance and submit to the dictate of a minority of one. The Resolution which had been moved by the noble Lord afforded an easy and efficient way of meeting the position. Far from codifying or in any way unduly stereotyping, its result would simply be to re-establish this great unwritten law, which for reasons which no doubt in older and less happy times were sufficient, had in this particular instance been set aside. If that Resolution were passed such a transaction as took place the other night would never occur again. The hon. Member for Galway (Mr. Mitchell Henry) complained that the Press did not report speeches with sufficient fulness. He (Colonel Mure) felt almost inclined to agree with the hon. Gentleman, because nothing was more delightful than to read the report of one's own speech. That opinion, he believed, was entertained by every Member of the House with reference to his own speech. One of the most trying moments in the life of a public man was that in which he took up the newspaper the morning after he had delivered a speech in the House. Perhaps the speech which had taken him six weeks to compose and a quarter of an hour to deliver would be found compressed within the space of half-a-dozen lines—or, perhaps, disposed of after this fashion—"After a few remarks from Mr. —." If, however, its author were an industrious man, there was "*Balm in Gilead*"—if he had written out his speech in full and sent it to the Provincial Press he would find his magnificent oration set forth in full in his local paper, and he would figure before his constituents as the great states-

*Colonel Mure*

man and powerful orator he believed himself to be. In the House of Commons, as in other Assemblies, Members, as a general rule, found their own level. Men with great ability, industry, and eloquence were sure to be appreciated by the House and to be reported in the newspapers. Others, with great ability, industry, and powers, but without great eloquence, would also be reported, because, though not so showy, they were appreciated by the good sense of the country. There were other Members, again, who were "representative men," or who were sent to the House to represent great interests, and these were likewise sure to obtain a hearing in the House and to be reported in the newspapers, when they gave the House special information on those subjects which they really understood. But there were many Members who did not possess any of these qualifications, or who took little part in public affairs, and these, too, when they did speak in the House generally got their due. Debates in the present day were different from those of olden times, when only a few great men spoke in Parliament, and when the remainder were content to listen to and cheer them. Now the debates in the House of Commons had outgrown the Press, and although few men obtained all the attention they thought they deserved, yet some obtained more than they deserved, but others, it must be confessed, obtained less—but, upon the whole, a speech that was appreciated by the House was certain to be appreciated by the Reporters and to be adequately recorded. Therefore, while he sympathized to some extent with the hon. Member for Galway, he was not prepared with a proposal for what the Prime Minister had aptly called a Speech Preservation Bill.

SIR RAINALD KNIGHTLEY said, he thought it undesirable that any change should be made in the present rules, as the power which it gave to an hon. Member of clearing the House was a safeguard against anything in the shape of an undignified or indecorous demonstration on the part of any section of Members of the House. He would give as an instance what had occurred a few years ago. When General Garibaldi visited London, it was proposed by some hon. Gentlemen to get up a demonstration on the occasion of his visiting

the House of Commons by waving their hats and cheering. Other hon. Members, however, of whom he was one, intimated to Garibaldi's admirers that if anything of the kind was attempted the Speaker's attention would be at once directed to the circumstance that Strangers were present — the consequence being, of course, not that the galleries would be immediately cleared of the Reporters, but of General Garibaldi himself. Nothing could be more indecorous, more undignified, or more calculated to bring the House into contempt than such demonstrations, however illustrious or distinguished might be the person who appeared in the gallery; for it was obvious that, if some hon. Members had the right to express approval, others might express strong disapproval of a distinguished foreigner. Hitherto the House had been preserved from this scandal by the power with which every hon. Member was invested of excluding Strangers by merely calling the Speaker's attention to the fact that they were present. Suppose Prince Bismarck were to visit the House, Protestant Members might get up a demonstration in his favour, and this might provoke Roman Catholic Members to get up a counter-demonstration. A most unseemly scene would be the result; and yet, if the Resolution of the noble Lord (the Marquess of Hartington) were adopted, no action could be taken except by a vote of the House. This would place the House in a very awkward and difficult position; for it would be difficult to make the illustrious foreigner understand that the question was merely one of rule and order, and not of international or personal feeling. It was very much to be regretted that the hon. Member for Cavan (Mr. Biggar) and the hon. Member for Louth (Mr. Sullivan) should have exercised in the way they had done the ancient and salutary power which, until the present Session, had rarely, if ever, been abused. The hon. Member for Louth based his action on his desire to protect the Press: well, after saying that everybody connected with the Press ought to be treated with deference, the hon. Member proceeded to enforce the doctrine by turning the Reporters out of the House. For his own part, he wished to treat the Reporters with the greatest possible respect. He regarded them, indeed, as a "noble army of martyrs." They sat

up there in the gallery hour after hour, listening to many unmeaning, maundering speeches, which they were wise enough not to report. The hon. Member for Galway (Mr. Mitchell Henry) thought the reports in the newspapers were not sufficiently voluminous. He, on the contrary, was of opinion that the newspaper reports, particularly those in *The Times*, were all that could be desired. The way in which the Reporters of that journal condensed the reports, never omitting anything of importance, was to his mind perfectly marvellous. If hon. Gentlemen would themselves only endeavour to concentrate their speeches within the space usually allotted to them in *The Times*, they would produce a much greater effect, and the Business of the House would be much more satisfactorily conducted than at present.

MR. ROEBUCK thought the House ought not to come to a resolution on this important question without very grave consideration. It appeared to him that they might get out of the difficulty by a very simple process. It was only necessary to divide "Strangers" into two classes—namely, those in the Strangers' gallery and those in the Reporters' gallery. They ought to leave the rule as it existed with regard to the Strangers' gallery, and change it as regards the gallery occupied by the Reporters. Under this arrangement only unrecognized Strangers would be obliged to leave the House when their presence was objected to. We ought not to judge of all times by the present. He was not afraid of anything which was likely to occur now, but the time might arrive when there would be a very different House of Commons, in which the feelings of the minority might be set at naught. The feelings of the minority were at present guarded by the provision that one Member could turn out Strangers. Supposing this power were left, what harm could happen if the representatives of the Press were allowed to remain? The world would know all that occurred, and yet all the power which the House desired to preserve would be retained. During the French Revolution the Strangers formed so large a body that they conquered for themselves the right of expressing their opinions in the Assembly. There might be similar times of violence here; and if at any time it happened that the violent public out-of-

doors forced their way into the House of Commons, a beneficial use might be made of the power which hon. Members now possessed. If his suggestion were adopted, no power would be taken from the House which it ought not to have, while all the power which it ought to have would remain.

MR. BERESFORD HOPE observed that the Amendment which he had put on the Paper was only for the purpose of continuing and developing the noble Lord's second Resolution, which dealt with the exclusion of Strangers, but he was sorry to see that with this subject another question had been mixed up, which had no natural connection with it. There was good reason for increasing the aggregate power of the whole House as contrasted with that of any single Member with regard to the exclusion of Strangers, and he was glad to see that his right hon. Friend at the head of the Government had come round to that view. But, on the other hand, there was no reason at all for dealing with the relations between the House and the Reporters, with regard to whom no grievance existed. The whole trouble had been caused by three Irish Members—those for Cavan, Louth, and Londonderry—who had by their handiwork put the House in a false position and raised the idea that a grievance existed where there was really none. He could not accept the suggestion of the hon. and learned Member for Sheffield (Mr. Roebuck) to make a distinction between the two galleries, founded as it was on an appeal to the possible risks attending on a time of disturbance. Could it be supposed that at a crisis resembling by his hon. and learned Friend's own supposition, the French Revolution—a crowd of excited citizens in the gallery would allow themselves to be turned out at the voice of a single Member? Why, they would instead stream into the House and tear the mace from the Table! Then the hon. Member proposed to allow the Reporters, who, by the conditions of his hypothesis, would be the very writers who fomented excitement, to remain and comment upon the proceedings. This suggestion would not hold water. As to giving additional privileges to the Reporters, it would be really fettering the men they wished to protect. As had been well said by the hon. and gallant Member for Renfrewshire (Colonel

Mure) the Reporters at present enjoyed the highest of privileges—that of exercising their own discretion in editing and abridging the speeches that were made. As a reader of the papers and an utterer himself sometimes of speeches, which, like all other speakers, he afterwards felt might have been better had they been shorter, he should be sorry to put the Reporters into any position which would imply an antecedent bargain with the House to give anything like a literal report of speeches in the House. But the proposal of the noble Marquess would readily lead to that abuse by enabling any Member whose self-conceit might be mortified, without possessing the mental control involved in the more judicious than original advice of the hon. and gallant Member for Renfrewshire to sit down and send off his speech to his own particular Mercury, to obstruct business by wrangling questions of personal vanity misnamed Privilege. The exclusion of Strangers was quite another matter. His own Amendment was intended to prevent the annoyance which might follow on a course of persistent "spyings" on the part of any one Member; but he should not press it if the Resolution of the right hon. Gentleman the First Lord of the Treasury were adopted. His hon. Friend the Member for Northamptonshire (Sir Rainald Knightley) defended the retention of the present system by supposing that General Garibaldi or Prince Bismarck would not be flattered by a Resolution of the House to exclude him from the gallery; but he would have still more cause to feel affronted should he be turned out on the *ipse dixit* of a single Member. He trusted the House would realize the fact that the reporting of the Debates, although not perfect, was as practically convenient as it could be.

SIR WILLIAM HARCOURT ventured to submit that on the Resolution at present before the House all discussion of the subject of the admission of Strangers was quite irrelevant. That Resolution had only to do with the question of the Publication of Debates. Now, the position taken up by the Secretary of State for War on behalf of the Government he understood to be this—that they proposed to negative the present Resolution, and thereby to leave the question of the Publication of Debates as it stood; but that with reference to

*Mr. Roebuck*

the admission of Strangers they were willing to make some modification of the existing rules. As to the former matter, therefore, there was a clear and definite issue before the House—namely, whether or not they were to leave things as they were. The Secretary for War had argued that there was no reason for dealing with more than the evil which actually existed, and that that evil was connected merely with the exclusion of Strangers. But in point of fact the existing evil was connected principally and primarily with the Publication of the Debates. Therein lay the original difficulty; the other question was only an incident. What had led to these discussions was the circumstance of the hon. Member for Londonderry (Mr. C. Lewis) calling attention to the publication of certain proceedings of a Committee—and it was all the same whether the report referred to a Committee or to the House—and calling upon the House to vote that that publication was a breach of Privilege:—and the House having agreed that a breach of Privilege had been committed it followed that the printers should be called to the Bar. The right hon. Gentleman the Leader of House was compelled to say that no doubt the House must vote that a breach of Privilege had been committed; but he expressed his opinion that so unsatisfactory a state of things as that one Member should be able to decide that a breach of Privilege had been committed should be allowed to continue. They had been occupied for days—he might say for weeks—in trying to get out of the mess they had got into through the exercise of that power; and they had the authority of the Leader of the House that if one Member called upon them to say that the publication of a single word of their proceedings was a breach of Privilege, they could not do otherwise than so pronounce it. Then, on the occasion to which he was referring, the right hon. Member for Liskeard (Mr. Horsman) laid down the further proposition that when any publication was declared a breach of Privilege the House must, as a matter of course, summon the printers to the Bar. [Mr. HORSMAN: I said that it was the invariable practice.] Well, the practice of the House was the law of the House. Under the circumstances which he had stated it might happen to-morrow that the hon. Member for Louth

(Mr. Sullivan) would get up and call attention to the fact that this very discussion had been published in the newspapers. Was it a breach of Privilege or not? What were they to do in such a case? The House would be in exactly the same scrape as before. The Prime Minister ought to state what course he would take if such a Motion were made. Whether the Motion of his noble Friend was the best mode of dealing with the subject might be a matter of opinion: at any rate, the question could not be left as it was. If the hon. Member for Louth raised the question to-morrow, would the House say there was no breach of Privilege, and thus settle the Publication of Debates by nightly votes? By merely rejecting his noble Friend's Resolution the question would not be got rid of. The House would shut its eyes and shunt the difficulty for the moment, but would soon get into the same false position as before. The proper plan would be to deal with this question at once and boldly. As it was, the House had been driven from pillar to post, and asked to resist change inch by inch. The Prime Minister at first said no change was necessary. Then the House was told that the Government would concede the change as to Strangers, but would make no change as to Publication. Now, he ventured to say this would not be a final resolution. The evils were so obvious that, sooner or later, the course suggested in the Resolution must be taken, and it would be best to take it at once. Publication was the main question which had led to this discussion. The House should deal, then, with Publication in some way which might be consistent with its dignity and interests—for it was out of that that the whole of this discussion had sprung. They all knew that the House would not have half the influence it possessed, if it were not for the Publication of the Debates; and he was never more struck than by the indignation expressed by the right hon. Gentleman at the hon. Member for Louth, while at the same time he complained that the course then taken would put an end to the debates. The House did not recognize Reporters, yet was indignant when by excluding them an hon. Member put an end to the debates. What a wonderful piece of inconsistency was this! The moment the Reporters went away, the mission of the House of



Commons was felt to be at an end, and the only point was to get back the Reporters as soon as possible. The House recognized the fact that, practically, it could not go on without the Reporters. Why, then, could not the House of Commons make up its mind to recognize the fact that there were Reporters in the gallery, that the debates were published, and that they ought to be published under such regulations as were thought requisite? If the House objected to the wording of the Resolution it might be amended; he was only arguing that something should be done with reference to the Publication of the Debates. That, not the terminology of the Resolution, was the issue raised between the Government and the Gentlemen sitting on his side of the House. A hope had been expressed that this would not be made a Party question. Now, he and his friends did not want to make it a Party question. [Mr. HORSMAN: Hear, hear!] If they wanted to make it a Party question, the last person they would think of consulting would be the right hon. Gentleman. But unless it was considered by the Government itself that this was a Party question, he believed it was a very unusual course to summon its supporters for the purpose of consultation. ["Hear!"] He was telling no secrets, for the right hon. Gentleman at the head of the Government had himself told them that he had consulted with his Friends and those about him on this question.

MR. GATHORNE HARDY said, that the statement of his right hon. Friend referred only to Gentlemen on the Treasury Bench.

SIR WILLIAM HARCOURT said, he would consider himself contradicted, and hold that there had been no such meeting. He did not much care, however, whether it was or was not a Party question. He wanted to know what the question was. Having heard the reasons given by the right hon. Gentleman (Mr. G. Hardy) he thought the rule could not be left as it was, for it would be inconsistent to do so, and at the same time alter the rule with reference to Strangers. He was therefore prepared to support the Resolution of his noble Friend on the ground that some Amendment was necessary as to the exclusion of Reporters.

*Sir William Harcourt*

MR. HORSMAN: I wish my hon. and learned Friend would tell me what has made this question one of such sudden excitement upon the front bench of Opposition. The worst of all modes of treating this question is to treat it as a Party question, and I think I can show that it undoubtedly has been so treated. According to my experience in this House—which is somewhat longer than that of my hon. and learned Friend—there has been but one mode of dealing with questions of Privilege—which really are questions of Parliamentary power and supremacy. The Leaders on neither side have taken such questions into their own hands—they have invariably consulted together; after such consultation they have never come to any conclusion without referring to the highest authority in the House; and until the Speaker has approved the change proposed, I have never known any Ministry propose such change. The moment this rule is departed from, the question is made a Party question. This matter of Privilege has been more or less before every Cabinet Minister now living. It has been before that veteran Minister Earl Russell, during whose first Administration a strong Committee was appointed to deal with it—they went into the matter—they considered it:—but though they saw the anomalies and absurdities of the present Rule, they were unanimously of opinion that the inconveniences likely to arise from a change were greater than those to which they were already exposed, and they recommended that no change should be made. Not only was this opinion shared by men like Sir Robert Peel and Sir James Graham, but by popular champions like Mr. Hume, and Lord Palmerston and others came to the same conclusion. Whatever may be the charges brought against my right hon. Friend (Mr. Gladstone), no one can say he is pusillanimous in making changes endorsed by public opinion—the late Government, then, appointed a Committee on this subject; it was presided over by the Chancellor of the Exchequer; and by the casting vote of the Chairman the Committee recommended this change. Yet the late Government, warring as it did so courageously and honestly against abuses, shrank from acting on the Report of the Committee, and bequeathed this unsettled difficulty to the Government of



the right hon. Gentleman. The present Ministry have considered the question upon the case of Privilege raised so unexpectedly by the hon. Member for Londonderry (Mr. Lewis). Such cases had been raised before—not frequently, but on two or three occasions—and the House knows that they have always been raised in one way. There never has been an instance in which a question of breach of Privilege has been raised in that House, when the first Resolution had been moved affirming that a breach of Privilege had been committed, but that it was followed up by the second Resolution that the offending party should be summoned to the Bar of the House—there never was an instance until the other day in which the Minister of the Crown who supported that second Resolution could not count on the support of the front Opposition bench. The Prime Minister supported that Motion—not as the head of the Cabinet, but as the Leader of the House of Commons—relating to the honour and dignity of the House, in which every hon. Member had as great an interest as himself—but that was the first occasion on which, departing from the invariable practice, the front Opposition bench forgot that Opposition has its responsibilities as well as office. Having been challenged, I am compelled to say that I have never been more surprised in my life than when I saw the front Opposition bench take the first step towards making this a Party question by leading their Party into the Lobby against the Government. Then, what happened? The hon. Member for Louth (Mr. Sullivan) was quick to see the advantage thus offered, and to avail himself of it. He immediately gave Notice that he would ask the Prime Minister whether he meant to change the law. The right hon. Gentleman then considered the question, as his Predecessors had done, and came to the decision to which they had come—namely, not to change the law. Instantly there was an expression of great disappointment on the Opposition side of the House; an outcry was raised, and once more this was made a Party question. The hon. Member for Louth was encouraged by the sympathy he met with to announce two days afterwards that he would take the opportunity of clearing the Gallery, intimating also that he would clear it every day till the end of

the Session. He gave that Notice speaking as a representative and a champion of the Press. I confess that that threat did not appear to me to make any great impression on the House; but it must have made a great impression on the front Opposition bench, because the right hon. Member for the University of London (Mr. Lowe) afterwards spoke of the hon. Member for Louth as their King and as the master of the situation, and said they were all on their knees imploring that hon. Member to have mercy on them. Now, I have seen no indications of that panic in any other quarter of the House. On the contrary, the right hon. Gentleman's (Mr. Lowe's) description was far too highly coloured; and within three days afterwards we saw how exaggerated it was, because when the hon. Member for Cavan proceeded to put that threat into execution, the House was at once equal to the occasion; the Standing Order was suspended, and immediately—instead of the hon. Member for Louth being master of the situation—the House had the command of the situation. So unanimous was the feeling of the House that when the Prime Minister moved the suspension of the Standing Order the Motion was seconded by the noble Marquess the Leader of the Opposition, and it was suggested by the right hon. Member for Chester (Mr. Dodson) that if the proceeding were repeated the Standing Order should be suspended for the rest of the Session. So far from being masters of the situation, it was the Member for Louth and the Member for Cavan *versus* the whole House of Commons. The House had the remedy in its own hands. But in the panic of the front Opposition bench to which I have referred a negotiation was entered into with the hon. Member for Louth, and arrangements were made outside that there should be a little scene in the House. It is almost incredible that a negotiation should have been entered into by the Leader of the Opposition—taking the question out of the hands both of the Government and of the Speaker—with the hon. Member for Louth, who has not the sympathy of the House, and could not carry any strength with him. At half-past 4, however, up rose my noble Friend (the Marquess of Hartington), with a command of countenance which did him great credit, and, with an air of curiosity evidently seeking for

information, asked the hon. Member for Louth whether he really intended to carry out his terrific threat. The hon. Member for Louth said that was his intention. The noble Lord, apparently quite *impromptu*, said that if the hon. Member would forego that terrible infliction on the House, he would himself undertake to bring forward a proposal to effect the change desired. Thereupon the hon. Member for Louth got up in the old approved fashion, of the fire-eating days of Ireland, and said—"Mr. Speaker, the noble Lord has given me satisfaction; I withdraw my challenge." Amid cheers on that side of the House, the noble Marquess gave a pledge that he would take the question out of the hands of the Government. That was considered as a rebuke to the Leader of the House, and remarks were made that the right hon. Gentleman had mismanaged matters to throw such a card into the hands of the Opposition. Well, while this little scene was going on, I had the curiosity to watch the countenance of the Prime Minister; and I must say that, after 30 years' experience, I never saw it wear so mischievous an expression. The Prime Minister knew what my noble Friend was doing better than my noble Friend did himself; he knew there was a difference between making a promise to pay and making actual payment. When the promise of the noble Marquess was only three days old the hon. Member for Louth thought the performance of that promise was rather hanging fire; and the hon. Member for Cavan (Mr. Biggar) was put up for the purpose of administering a spur. [Mr. SULLIVAN: No, no!] I withdraw the expression. I should have said the hon. Member for Cavan got up. And then, what was the confession of the right hon. Member for the University of London? He said the noble Marquess had been reproached with being rather tardy in proceeding, but he assured the House that he had been busy ever since endeavouring to redeem his promise—adding that he had found it a very difficult and delicate task. Surely, however, before the noble Marquess gave the pledge he ought to have considered whether it was one that he could easily fulfil? But, apparently, not having been considered, the question could not be understood; and thus it had come to this—that without considering

or understanding, we on this side of the House assumed the responsibility of proposing a change from which both the present and the late Prime Ministers and all the wisest and most experienced Members of the House had shrunk. We have been told of the great absurdity of the present rule. The question, however, is not whether it is theoretically absurd, but whether it is practically inconvenient. If all the anomalies of the British Constitution were done away with, how much of it, I should like to know, would remain? What has been the practical inconvenience of the rules in question in times past? In the course of 35 years the subject has occupied the attention of the House but two or three times for an hour at a time. That has been the whole practical inconvenience. It is upon the forbearance, the consideration, and the gentlemanlike feeling of its Members that the House must rely for having its Rules carried out satisfactorily. I should not have thought it necessary to trouble the House with these remarks had it not been that I have been put on my defence by what was said as to the course I took when the motion of the hon. Member for Londonderry (Mr. C. Lewis) was under decision. I have, I think, now shown that I acted consistently with all previous practice on that occasion by voting with the Government and not with those who—unfortunately and unwisely in my opinion—made the subject of the Privileges of the House a Party question. Having said this much I would say a few words on the Resolutions of the noble Lord. There have been various criticisms on these Resolutions; but the question which the House has to consider is, not whether the existing state of things is good, but whether it is likely to be improved by the adoption of the change which is proposed. I, for one, must contend that the difficulties which will arise if the Resolutions should be agreed to will be found to be infinitely greater and more numerous than any which have hitherto been experienced from the one small inconvenience against which the House is asked to legislate. It is proposed that the House should not entertain any complaint of the Publication of its Debates or of the proceedings before any of its Committees "except when such debates or proceedings shall have been conducted with closed doors."

*Mr. Horman*

, against whom does that Resolution point? Not against the Press or outside public. If a report of a debate is published when the proceedings have been conducted with closed doors, it must have been done by some Member of the House. He thereby would be guilty of an offence which the Resolution would make penal, but having created the offence, how is the Member by whom it is committed to be punished? Surely, the House will not commit so great an act of cruelty as to summon the poor undignified printer to its Bar? It will have to ascertain who the Member is by whom the law of the House has been violated. But suppose the Member gets up in his place and avows his offence. What is to be done in that case? He must have committed the offence wilfully; how is he to be punished? He may be reprimanded; suppose him to have the courage to show the earnestness which the hon. Member for Louth always exhibits, he will not be inclined to submit to the punishment. He may commit a similar offence the very next day; and, if so, is again to be reprimanded, or given into the custody of the Sergeant-at-Arms? There are the words "unless such publication shall have been expressly prohibited." But how is it to be prohibited? Is it to be prohibited by the House? Would the question be made a party one, and a division taken upon it? If so, a Member of the minority may say he will not submit to that, and will publish in spite of the majority; thus the House would be landed in conflict with one of its Members. Then comes the question of "wilful" misrepresentation. Who is to say what is wilfulness?" A Member of the House may complain that he has been "wilfully" misrepresented. He may have evidence to justify him in arriving at the conclusion that a particular paper was a grudge against him, and took every opportunity of perverting his meaning. Is the editor or printer to be called to the Bar of the House and punished without hearing his defence? In the Courts of Law, when a man is indicted for a "wilful" offence, he is tried before a Judge and jury, who decide upon evidence whether the offence is "wilful" or not; but what in trials, I should like to know, does

the House of Commons possess for deciding a question of that kind? Different views will be entertained upon it on different sides of the House, and thus the question of "wilfulness" will become a matter of Party divisions. When I consider that within the last quarter of a century there are only two or three instances when the House has been cleared at the suggestion of a single Member, and only four or five in which a printer has been summoned to the Bar—occupying the time of the House for only about an hour and a-half every eight or nine years—I cannot help thinking that the present Rules, while they give the Press the maximum of liberty, put the House itself to the minimum of inconvenience. If any other plan can be devised which would be likely to effect those objects more completely, I should not hesitate to give it my support; but I cannot regard the Resolutions of the noble Lord in that light. Of course, whatever Rules are laid down, they will be liable to abuse—just as the hon. Member for Cavan abused his power, when he read reports from the newspapers for four hours together, or as any eccentric Gentleman might abuse it. Against such conduct no law can afford protection. Happily, however, the House is so constituted that there has been a very general consent to carry on its Business in a manner at once satisfactory and courteous to all. Even when Gentlemen who have acquired great notoriety out-of-doors come within these walls, they at once seem to be elevated by the influence of this Assembly, and instinctively pay respect to its Rules. Although, therefore, theoretically those Rules may be anomalous and absurd, they, on the whole, have been found to work well. Let the House, then, go back to the old-fashioned practice, that the Leaders on both sides should consult together, and after they have agreed on something which they regard as being a judicious, wise, and salutary change, let them submit it to the experience and better judgment of the Speaker; and after it has received his approval and sanction let it be adopted. Such a change would be carried out in the best and most satisfactory way, initiated as it would be by both sides of the House, and would be the most likely to work satisfactorily.

MR. HUNT said, that when the hon. and learned Member for Oxford (Sir William

confer with the Secretary of State for India in regard to it. At present, however, no arrangement had been come to.

ARMY—THE LINE AND THE MILITIA.  
QUESTION.

SIR HENRY HAVELOCK asked the Secretary of State for War, Whether he has considered the advisability of taking steps to prevent the men of the Army Reserve enrolling themselves also in the Militia, as it is currently reported that they do, by mustering them once a month during the militia training season, or by any other means; whether he proposes to encourage volunteering from the Militia to the Line, by inviting militia men to transfer their services to the latter, during or at the end of the training now going on; whether he proposes to encourage the increase of the Army Reserve by directing officers commanding regiments of the Line to give every facility to men desirous of passing into the Reserve after three years' service; and, whether, with a view to this end, he will consider the advisability of making some small increase to the pay of the Reserve in the shape of "deferred pay."

MR. GATHORNE HARDY: Sir, before I answer my hon. and gallant Friend, I wish to call the attention of the House to the character of his Questions. They are, in fact, inquiries as to the future policy of the War Department, and I am sure the House will not expect subjects which might lead to discussion to be raised by Questions of this kind. I can assure the hon. and gallant Member that both with regard to the Reserve and the Militia the suggestions he has made are undergoing at the present moment every consideration.

THE SUNDAY ACT—  
TERRY v. BRIGHTON AQUARIUM  
COMPANY.—QUESTIONS.

SIR GEORGE BOWYER asked the Secretary of State for the Home Department, What are the intentions of the Government with regard to the Statute 21 George 3, c. 49, and whether the Government will introduce a Bill of indemnity as well as a Bill repealing or otherwise dealing with such Act; and, whether the Secretary of State for the Home Department or the Attorney General have the power to stay pro-

*Mr. Gathorne Hardy*

ceedings taken under the Act or otherwise prevent the recovery of penalties, and whether that power will be exercised accordingly?

MR. ASSHETON CROSS, in reply, said, that the Brighton Aquarium Company had consented to open the institution on Sundays simply as a scientific institution, though money would be received at the doors. The question to which the hon. Baronet referred would be tried immediately before a Court of Justice, and, according to the judgment pronounced, the Government would take such action as they might deem right. He did not think the case was one in which penalties ought to be inflicted, and so far as he had the power he should take care that they were not enforced.

SIR GEORGE BOWYER asked whether the Aquarium might be opened as a place of amusement?

MR. ASSHETON CROSS: That is precisely the question a Court of Law will have to decide.

NAVY—LOSS OF H. M. S. "CAPTAIN."  
QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, Whether his attention has been directed to a pamphlet entitled "The True Story of the loss of the 'Captain';" and, whether the Board of Admiralty intend to institute an inquiry with the view to ascertain upon whom rests the responsibility for the loss of Her Majesty's ship "Captain?"

MR. HUNT, in reply, said, that he had read the pamphlet named, and had duly considered the suggestion made that an inquiry into the loss of the *Captain* should be held. He had, however, come to the conclusion that no public object would be gained by taking that course.

CHURCH OF ENGLAND—THE  
VICARAGE OF HALIFAX.—QUESTION

LORD FREDERICK CAVENDISH asked the First Lord of the Treasury, Whether under the provisions of the Act 10 Geo. 4, c. 14, local and personal Acts, a rate termed the vicar's rate is levied in lieu of Easter offerings on all houses in twenty out of the twenty-three townships of the parish of Halifax (a district containing 82,000 acres, and a population in 1871 of



173,313) on behalf of the Vicar of Halifax, whose ecclesiastical district has an area of 120 acres, and a population in 1871 of 9,927; and, whether he can now state if any appointment to the Crown living of Halifax now vacant will be made subject to the amendment of the said Act?

MR. DISRAELI: Sir, my attention has been called to this subject, but the facts of the case, so far as I can ascertain, do not entirely agree with those which the noble Lord on the present as on previous occasions has intimated to the House. The stipend which the Vicar of Halifax now receives is not a stipend, to use the language of the noble Lord, which "is levied in lieu of Easter offerings" only. It is a stipend levied in lieu, first of all, of tithes, of mortuaries, and of more than one other rate. The annual income derived or derivable from these sources would be very large indeed. I have an estimate, in which I place some confidence, which gives them at the time the Act passed in 1827 at £12,000 a-year. The House may be astonished to find that is so; but it will be still more astonished when I state that an estimate has reached me—and one founded, no doubt, on substantial data—in which this revenue is said to have amounted to £40,000 a-year. Hon. Members will therefore see that this was a large business, and that when the Act was passed and the Vicar accepted in lieu of this vast income a stipend of £1,409, the arrangement was one which cannot well be described as unfavourable to the public interest. On the contrary, I think some dissatisfaction was experienced at it by those connected with the Vicar. But by the Act of 1829 of course all parties are bound. One of the districts concerned has already redeemed its portion of the payment, and it is open to all the others to do the same. Under these circumstances in submitting any name to Her Majesty to fill this important living, I am not at all, as at present advised, prepared to make any condition that the Act of Parliament should be tampered with. I think the arrangement which has been made is, on the whole, in favour of the public interest. I will reserve to myself the right however, in recommending a new incumbent to the Crown, to make any other condition I may deem necessary, such as a condition relating to the important leases

falling in in the course of 12 or 14 years. Beyond that I do not think it is necessary I should say anything in reply to the noble Lord's Question.

#### POST OFFICE SAVINGS BANKS.

##### QUESTION.

SIR JOSEPH M'KENNA asked Mr. Chancellor of the Exchequer, having reference to the Return of the Comptroller General issued on Friday last, Whether the profits of £118,687, which have apparently accrued to the State according to that Return, are not wholly or to some and what extent attributable to the fact that a part only and not the entire of the expense of the service and administration of these banks is defrayed by the Post Office Savings Banks department; and, whether he can state to the House that any profit whatever would appear on the working of the Post Office Savings Banks if those institutions were charged as a department with the full quota of their cost to the State, including the ordinary rates of postage, and involving a distribution of salaries of postmasters and assistants, so that the Savings Banks Department would bear its full quota, having regard to the proportion of the labour and responsibility which appertains to the Savings Banks operations?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that the Question asked by the hon. Gentleman was rather a difficult one for him to answer. The principle on which all these things were regulated was to charge to the revenue of the Post Office all the expenditure incurred in it. That was the practice in dealing with all the departments of the public service, and with regard to the charge for postage there was no difference whatever made with the Post Office. It was conducted on the same principle, subject to the control of the Treasury.

#### CRIMINAL LAW—PRISON RULES—THE CABINET MAKERS.—QUESTION.

MR. MUNDELLA asked the Secretary of State for the Home Department, If it is true, as stated in the "Weekly Dispatch" of the 30th May, that the cabinet-makers sentenced by Baron Cleasby for picketing are required, in addition to cleaning their cells and working at the bench during the day, to pick oakum in their cells at night; and, if so, whether



it is in accordance with the sentence passed upon them?

MR. ASSHETON CROSS, in reply, said, he made some inquiries into this matter and found that in no case did any irregularity occur. The rules of these prisons were drawn up by the Inspectors, subject to the approval of the Secretary of State for the Home Department, and certainly in this case from the information he received they were not violated.

#### SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL.

##### QUESTION.

MR. MELDON asked the Chief Secretary for Ireland, If he has received a communication from the Lord Mayor of Dublin with reference to the closing of public houses on Sunday; and, if so, whether there is any objection to lay a copy of such letter upon the Table of the House, and to have same printed and circulated before the Debate on the Sale of Intoxicating Liquors on Sunday (Ireland) Bill is resumed?

SIR MICHAEL HICKS-BEACH, in reply, said, that he had received a letter from the Lord Mayor of Dublin embodying the sentiments expressed at a meeting over which he presided as chairman in that city in favour of closing public-houses on Sundays in Ireland. Of course, the Government would consider and take its own course on the question, and while he had no objection to lay this letter on the Table, he doubted whether it would serve any useful purpose to do so.

#### PRIVILEGE—PETITION FROM DUBLIN—FICTITIOUS SIGNATURES.

##### QUESTION.

MR MELDON said, that in a Petition presented on Friday last purporting to come from the working men of Dublin against the Bill for closing Public Houses on Sunday in Ireland there were a number of forged signatures, amongst them being those of the hon. Member for Londonderry (Mr. C. Lewis), who had moved the second reading of the Bill, and the Secretary of the Irish Sunday Closing Association. Many of the signatures also were fictitious, such as "D. Donkey," "Tim Graball," "Tom Wheelbarrow," and "Arthur Ring, M.P.;" while many persons were named, professional men and others, whose addresses

*Mr. Mundella*

could not be found. He wished to know, under these circumstances, what steps would be taken in the matter?

SIR CHARLES FORSTER, in reply, said, that the Committee on Petitions at their last meeting had submitted this Petition to a very minute examination, and at the next meeting they would decide whether the matter should be submitted to Parliament or not.

#### PARLIAMENT—PUBLICATION OF DEBATES AND EXCLUSION OF STRANGERS.

##### ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [4th May],

"That this House will not entertain any complaint, in respect of the publication of the Debates or Proceedings of the House, or of any Committee thereof, except when any such Debates or Proceedings shall have been conducted with closed doors, or when such publication shall have been expressly prohibited by the House, or by any Committee, or in case of wilful misrepresentation, or other offence in relation to such publication,"—(*The Marquess of Hartington.*)

And which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "it is not expedient to make any permanent alteration in the Rules relative to the Reports of the Debates or Proceedings of the House, or of any Committee thereof, or as to the presence of strangers in the House, until the House has more fully considered the present system of reporting its proceedings with the aid of information to be obtained by the appointment of a Select Committee,"—(*Mr. Mitchell Henry,*)

--instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. GATHORNE HARDY said, that every hon. Member would recollect the circumstances which led to the adjournment of the debate on the former occasion—that an hon. Member (Mr. Sullivan) at the moment he (Mr. Hardy) rose to address the House called attention to the presence of Strangers. When an hon. Member had, by calling attention to the presence of Strangers, achieved the object he said he had in view of obtaining a discussion on that subject, it did seem to him (Mr. Hardy) a peculiarly Irish proceeding that the same hon.

Member should endeavour to put an end by the same means to the discussion which he had himself been instrumental in raising. Of course, the House might have proceeded with the subject then—and it might be better to continue the debate if similar circumstances should again arise; but it was thought advisable that there should be an adjournment, in order that they might rid themselves of the heat which had arisen under the special circumstances of the case, and discuss the question calmly—as all questions of Privilege ought to be discussed, because there was no doubt that all matters of this kind should be settled, not by Party divisions, but on their merits. He should oppose both the Motion of the noble Lord the Leader of the Opposition (the Marquess of Hartington), and also that of the hon. Member for Galway (Mr. Mitchell Henry), for a Committee to inquire into the subject. He thought there was no necessity for such an inquiry, for he might remind the House that some of the ablest men that had ever sat in the House had sat on Committees on the subject; all the information that was necessary had been acquired, and upon every occasion the Committees had come to the conclusion that nothing was more dangerous than to tamper with the unwritten law of Parliament. He quite admitted what the noble Lord had stated in his speech—that publicity was a great advantage, and of those who might take part in this discussion there was not one probably who would be of a different opinion. Every Member of the House felt the great advantage which the House and the country alike derived from the great attention their debates received out-of-doors—the reports of their debates had a great share in forming public opinion outside the House, while it enabled the representatives within to gather the views held as to the proceedings within the House. But while this had been recognized for a great number of years, and no advantage had been taken of the breach of Privilege—which any publication of the debates might be said to be—yet at the same time there had always been a steady resistance on the part of the principal Members of the House to laying down any definite rules with respect to the publication of the debates. What the noble Lord proposed to do was altogether to alter the position, for—

without authorizing the publication, and without taking that step which he believed some hon. Members were anxious to take—namely, that there should be authorized Reporters appointed by the House—which would seem a very logical step—the noble Lord appeared to him to be prepared to give a partial recognition to the Reporters of the Press, who now occupied their seats in the gallery on sufferance only, as Strangers, without giving them that full recognition which authorized Reporters would receive. The consequence of adopting the proposal of the noble Lord would therefore be simply this—it would remove the existing difficulty one step further away as soon as this partial recognition was given, instead of a general objection being taken to the publication of their debates—and he thought he might say that none had ever yet been taken because all Members were put upon perfect equality with respect to the reporting of debates—the moment they come to the question of misreporting, to which subject the noble Lord's Motion was entirely addressed, every Member who thought he had not received full justice on the part of the Reporters—whose speech was too much abstracted, or whose speech by being put in an abstract form might give a different impression from that which the Member meant to convey—would have an opportunity of appealing to that House which had guaranteed him that there should be a publication of the debates, and of calling attention to the misreport; and by this means he believed that they would be getting into far worse trouble than any which they had ever suffered from the publication of the debates under the present arrangements. The noble Lord, in fact, invited them to go into these questions; and was it a wise thing that they should do so? He should be sorry to point attention to any particular Member, but it must be within the cognizance of the House that Members had complained in their places that they had been misrepresented, misunderstood, or their speeches so altered as to give a different impression from that they were intended to convey; but hitherto it had been impossible to prove wilful misrepresentation, and therefore it seemed to him that the noble Lord's Resolution was, by the definition "wilful misrepresentation," and by giving this sort of

half recognition to the Reporters, doing that which would more than anything else tend to the "interruption of their debates and to questions of Privilege" which under former circumstances never had arisen. Because, what was the question which had arisen? The question really which had arisen was the spying Strangers, and not the publication of the Debates. With the exception of the reporting the proceedings of a Committee of the House to which attention had been called by the hon. Member for Londonderry (Mr. Charles Lewis), and the circumstances of which were peculiar—he thought he might say that with respect to the House itself, there had not been any complaints of reporting or of any breach of Privilege on account of the reporting, which had now gone on for so many years. But it seemed to him that the words to which he had referred were of such a character that they would at once raise this question:—Hon. Members would have themselves admitted Reporters into the gallery and allowed them to report, and might then call upon the House to entertain a complaint that there was a "wilful misrepresentation." But who was to supply the motive?—who was to say when a report was a "wilful misrepresentation" and when it was not so? Those Members who made the complaint would declare it to be wilful and would discuss it in that view. But what was most to be desired was that questions such as these should not be raised and forced on the attention of the House to the interruption of Public Business, and the noble Lord's Resolutions giving recognition to a particular portion of the public which had never been given before, and recognizing them in another sense than that of Strangers, was putting them in a false position, while it at the same time put the House in a false position by giving it no security against repeated discussions of this kind. He could quite understand the position taken by some hon. Members of having authorized Reporters appointed by the House, though he was opposed to it himself—that was a clear and intelligible principle, and might have great advantages. But what position did the House put itself into by the sort of recognition which the noble Lord proposed? There was no obligation upon anyone who was admitted to the

House to report in any particular manner. There was no obligation placed on those connected with the Press to report either fully one Member or to report all Members fully—it was left entirely to their own control—the House exercised no authority over them; and he was not aware that there was any reason for picking out from the whole of the public one particular portion of it over whom the House could exercise no control, and who perhaps were more irresponsible than any other part of the public, and give them a *locus standi* in that House which no other part of the public had. But by adhering to the old rule as to the exclusion of Strangers the House would always remain entirely masters of the situation, and would have an opportunity of remedying any wrong done to the House by misrepresentation by adopting the Motion of his right hon. Friend (Mr. Disraeli). When he came to what should be done it seemed to him that in adopting the Motion of his right hon. Friend they would heal the only wound which was really an open one. The hon. Member for Louth (Mr. Sullivan) had put the question forward as a member of the Press; but upon that point, without wishing to say anything in the least degree discourteous to him, he (Mr. Hardy) did not think it advantageous to the House that any hon. Member should bring forward a question in any other capacity than as a Member of the House, and should claim not as a Member but as a journalist exceptional treatment for the class to which he himself belonged. He could not see any ground for treating the Press differently from any other portion of the public. Anyone not a Member of the House was a Stranger, and when he was so admitted it was by courtesy only. He warned the House against laying down new rules upon this subject, and giving exceptional privileges to an exceptional class. The grievance when the question was looked at properly was but a small one; and where there was not a great cause, why should they go to what might be called a great and excessive remedy? The only remedy needed for what had happened was that they should put on a new footing, to a certain extent, the exclusion of Strangers. The only question really before them was whether there was a liability to an abuse of the Privi-

*Mr. Gathorne Hardy*

leges which Members possessed of spying Strangers and clearing the House without the House having any voice in the matter? Were they any longer to allow, as the right hon. Member opposite (Mr. Lowe) had said, that an observer of Strangers in the House should be the King of the House, and able to do that against the will of the House without calling it into consultation at all? He had come to the conclusion, with his right hon. Friend, that they had better stop short of anything further than remedying the precise evil. It seemed to him the Resolution of the noble Lord was of a character which would lead to very much greater abuse, and he thought it would be better to proceed to negative that Resolution, and also the Amendment of the hon. Member for Galway, and content themselves with applying that remedy only which was adequate to the occasion.

COLONEL MURE said, he wished to say a word or two in regard to the subject under discussion, because he thought it was one which affected the credit and honour of the House, and therefore of the whole country. He thought those who had hitherto taken part in the discussions might be divided into two classes—there were those who thought the Reporters performed too much, and they had as their leader the hon. Member for Londonderry (Mr. C. Lewis); and there were those who complained that the Reporters did not do enough, and who had the hon. Member for Galway (Mr. Mitchell Henry) as their “guide, philosopher, and friend.” But before he addressed himself to the Resolutions there was one thing in regard to which he thought the country should be informed, and that was that there was no very grave conflict going on between the House of Commons and the Press as seemed in some quarters to be imagined. He did not believe there was any time in our Parliamentary history when Parliament more valued the co-operation of the Press than it now did. In the absence of the means which the House had of communicating with the public by means of the Press, the House would be absolutely dumb and paralyzed, as it had been recently on two occasions—though that did not appear to be the opinion of the hon. Member for Cavan (Mr. Biggar) or of the hon. Member for Louth (Mr. Sullivan), who had set them-

selves up as the Paladins of the Press. The House would recollect how the hon. Member for Cavan the other night drew out of an old worn-out armoury a weapon which was useless for all practical purposes except that of annoying; unless, indeed, the hon. Member considered that causing annoyance was a practical purpose. If so, he (Colonel Mure) had pleasure in the reflection that the hon. Member's thoughts were not the thoughts of the House, nor were his ways the ways of the House. The hon. Member for Louth also the other night came forward as the representative of an Irish newspaper, and in prodigious language and gigantic exaggeration astonished the House, as he called upon the heavenly bodies to stay their course, while he did battle with and slew a purely imaginary enemy of the liberties of the Press, and finally paralyzed the House by his Motion for the exclusion of Strangers, under the erroneous idea that the House was arrayed against those liberties. The House had to consider the inconvenience of two legal fictions. The effect of one of these legal fictions was this—that Reporters who reported with the full leave and authority of the House in its corporate capacity the proceedings of the House, and with the concurrence of Select Committees of the House the proceedings of these Committees, did that which was wrong: the other legal fiction was that persons who came into the House under conditions which the House had laid down were doing wrong in sitting in the Reporters' Gallery, or in the places which were set apart for Strangers. Those legal fictions appeared to him to be monstrous paradoxes, and to contain in them grave inconveniences. The hon. Member for Londonderry (Mr. C. Lewis) the other night used one of these legal fictions in order to “put the screw on” to obtain the information which he desired. He (Colonel Mure) did not take issue with the motive of the hon. Member; but he did take issue with the weapon which he used, and the mode in which he handled it. The Prime Minister the other night observed that a suspension of the Standing Orders would deprive an hon. Member of the power of annoying the House by moving the exclusion of Strangers. But that appeared to him (Colonel Mure) a clumsy method of guarding against abuses of the privileges of an hon. Mem-



ber. The Prime Minister had spoken of the unwritten law of Parliament, and warned the House of the danger of an attempt to codify the common or unwritten law, which had been handed down or piled up by the wisdom of those who had gone before us. After all, however, what was the great unwritten law of all Representative Assemblies in a free country? Why, that which had its birth in the very first conception of freedom—namely, obedience to the decision of the majority. Surely the House must have felt that this unwritten law was endangered when it could be set aside at the will or at the caprice of any hon. Member, and sorely outraged when the House had to bow down without remonstrance and submit to the dictate of a minority of one. The Resolution which had been moved by the noble Lord afforded an easy and efficient way of meeting the position. Far from codifying or in any way unduly stereotyping, its result would simply be to re-establish this great unwritten law, which for reasons which no doubt in older and less happy times were sufficient, had in this particular instance been set aside. If that Resolution were passed such a transaction as took place the other night would never occur again. The hon. Member for Galway (Mr. Mitchell Henry) complained that the Press did not report speeches with sufficient fulness. He (Colonel Mure) felt almost inclined to agree with the hon. Gentleman, because nothing was more delightful than to read the report of one's own speech. That opinion, he believed, was entertained by every Member of the House with reference to his own speech. One of the most trying moments in the life of a public man was that in which he took up the newspaper the morning after he had delivered a speech in the House. Perhaps the speech which had taken him six weeks to compose and a quarter of an hour to deliver would be found compressed within the space of half-a-dozen lines—or, perhaps, disposed of after this fashion—"After a few remarks from Mr. —." If, however, its author were an industrious man, there was "Balm in Gilead"—if he had written out his speech in full and sent it to the Provincial Press he would find his magnificent oration set forth in full in his local paper, and he would figure before his constituents as the great states-

*Colonel Mure*

man and powerful orator he believed himself to be. In the House of Commons, as in other Assemblies, Members, as a general rule, found their own level. Men with great ability, industry, and eloquence were sure to be appreciated by the House and to be reported in the newspapers. Others, with great ability, industry, and powers, but without great eloquence, would also be reported, because, though not so showy, they were appreciated by the good sense of the country. There were other Members, again, who were "representative men," or who were sent to the House to represent great interests, and these were likewise sure to obtain a hearing in the House and to be reported in the newspapers, when they gave the House special information on those subjects which they really understood. But there were many Members who did not possess any of these qualifications, or who took little part in public affairs, and these, too, when they did speak in the House generally got their due. Debates in the present day were different from those of olden times, when only a few great men spoke in Parliament, and when the remainder were content to listen to and cheer them. Now the debates in the House of Commons had outgrown the Press, and although few men obtained all the attention they thought they deserved, yet some obtained more than they deserved, but others, it must be confessed, obtained less—but, upon the whole, a speech that was appreciated by the House was certain to be appreciated by the Reporters and to be adequately recorded. Therefore, while he sympathized to some extent with the hon. Member for Galway, he was not prepared with a proposal for what the Prime Minister had aptly called a Speech Preservation Bill.

SIR RAINALD KNIGHTLEY said, he thought it undesirable that any change should be made in the present rules, as the power which it gave to an hon. Member of clearing the House was a safeguard against anything in the shape of an undignified or indecorous demonstration on the part of any section of Members of the House. He would give as an instance what had occurred a few years ago. When General Garibaldi visited London, it was proposed by some hon. Gentlemen to get up a demonstration on the occasion of his visiting



the House of Commons by waving their hats and cheering. Other hon. Members, however, of whom he was one, intimated to Garibaldi's admirers that if anything of the kind was attempted the Speaker's attention would be at once directed to the circumstance that Strangers were present — the consequence being, of course, not that the galleries would be immediately cleared of the Reporters, but of General Garibaldi himself. Nothing could be more indecorous, more undignified, or more calculated to bring the House into contempt than such demonstrations, however illustrious or distinguished might be the person who appeared in the gallery; for it was obvious that, if some hon. Members had the right to express approval, others might express strong disapproval of a distinguished foreigner. Hitherto the House had been preserved from this scandal by the power with which every hon. Member was invested of excluding Strangers by merely calling the Speaker's attention to the fact that they were present. Suppose Prince Bismarck were to visit the House, Protestant Members might get up a demonstration in his favour, and this might provoke Roman Catholic Members to get up a counter-demonstration. A most unseemly scene would be the result; and yet, if the Resolution of the noble Lord (the Marquess of Hartington) were adopted, no action could be taken except by a vote of the House. This would place the House in a very awkward and difficult position; for it would be difficult to make the illustrious foreigner understand that the question was merely one of rule and order, and not of international or personal feeling. It was very much to be regretted that the hon. Member for Cavan (Mr. Biggar) and the hon. Member for Louth (Mr. Sullivan) should have exercised in the way they had done the ancient and salutary power which, until the present Session, had rarely, if ever, been abused. The hon. Member for Louth based his action on his desire to protect the Press: well, after saying that everybody connected with the Press ought to be treated with deference, the hon. Member proceeded to enforce the doctrine by turning the Reporters out of the House. For his own part, he wished to treat the Reporters with the greatest possible respect. He regarded them, indeed, as a "noble army of martyrs." They sat

up there in the gallery hour after hour, listening to many unmeaning, maundering speeches, which they were wise enough not to report. The hon. Member for Galway (Mr. Mitchell Henry) thought the reports in the newspapers were not sufficiently voluminous. He, on the contrary, was of opinion that the newspaper reports, particularly those in *The Times*, were all that could be desired. The way in which the Reporters of that journal condensed the reports, never omitting anything of importance, was to his mind perfectly marvellous. If hon. Gentlemen would themselves only endeavour to concentrate their speeches within the space usually allotted to them in *The Times*, they would produce a much greater effect, and the Business of the House would be much more satisfactorily conducted than at present.

Mr. ROEBUCK thought the House ought not to come to a resolution on this important question without very grave consideration. It appeared to him that they might get out of the difficulty by a very simple process. It was only necessary to divide "Strangers" into two classes—namely, those in the Strangers' gallery and those in the Reporters' gallery. They ought to leave the rule as it existed with regard to the Strangers' gallery, and change it as regards the gallery occupied by the Reporters. Under this arrangement only unrecognized Strangers would be obliged to leave the House when their presence was objected to. We ought not to judge of all times by the present. He was not afraid of anything which was likely to occur now, but the time might arrive when there would be a very different House of Commons, in which the feelings of the minority might be set at naught. The feelings of the minority were at present guarded by the provision that one Member could turn out Strangers. Supposing this power were left, what harm could happen if the representatives of the Press were allowed to remain? The world would know all that occurred, and yet all the power which the House desired to preserve would be retained. During the French Revolution the Strangers formed so large a body that they conquered for themselves the right of expressing their opinions in the Assembly. There might be similar times of violence here; and if at any time it happened that the violent public out-of-

doors forced their way into the House of Commons, a beneficial use might be made of the power which hon. Members now possessed. If his suggestion were adopted, no power would be taken from the House which it ought not to have, while all the power which it ought to have would remain.

MR. BERESFORD HOPE observed that the Amendment which he had put on the Paper was only for the purpose of continuing and developing the noble Lord's second Resolution, which dealt with the exclusion of Strangers, but he was sorry to see that with this subject another question had been mixed up, which had no natural connection with it. There was good reason for increasing the aggregate power of the whole House as contrasted with that of any single Member with regard to the exclusion of Strangers, and he was glad to see that his right hon. Friend at the head of the Government had come round to that view. But, on the other hand, there was no reason at all for dealing with the relations between the House and the Reporters, with regard to whom no grievance existed. The whole trouble had been caused by three Irish Members—those for Cavan, Louth, and Londonderry—who had by their handiwork put the House in a false position and raised the idea that a grievance existed where there was really none. He could not accept the suggestion of the hon. and learned Member for Sheffield (Mr. Roebuck) to make a distinction between the two galleries, founded as it was on an appeal to the possible risks attending on a time of disturbance. Could it be supposed that at a crisis resembling by his hon. and learned Friend's own supposition, the French Revolution—a crowd of excited citizens in the gallery would allow themselves to be turned out at the voice of a single Member? Why, they would instead stream into the House and tear the mace from the Table! Then the hon. Member proposed to allow the Reporters, who, by the conditions of his hypothesis, would be the very writers who fomented excitement, to remain and comment upon the proceedings. This suggestion would not hold water. As to giving additional privileges to the Reporters, it would be really fettering the men they wished to protect. As had been well said by the hon. and gallant Member for Renfrewshire (Colonel

Mure) the Reporters at present enjoyed the highest of privileges—that of exercising their own discretion in editing and abridging the speeches that were made. As a reader of the papers and an utterer himself sometimes of speeches, which, like all other speakers, he afterwards felt might have been better had they been shorter, he should be sorry to put the Reporters into any position which would imply an antecedent bargain with the House to give anything like a literal report of speeches in the House. But the proposal of the noble Marquess would readily lead to that abuse by enabling any Member whose self-conceit might be mortified, without possessing the mental control involved in the more judicious than original advice of the hon. and gallant Member for Renfrewshire to sit down and send off his speech to his own particular Mercury, to obstruct business by wrangling questions of personal vanity misnamed Privilege. The exclusion of Strangers was quite another matter. His own Amendment was intended to prevent the annoyance which might follow on a course of persistent "spyings" on the part of any one Member; but he should not press it if the Resolution of the right hon. Gentleman the First Lord of the Treasury were adopted. His hon. Friend the Member for Northamptonshire (Sir Rainald Knightley) defended the retention of the present system by supposing that General Garibaldi or Prince Bismarck would not be flattered by a Resolution of the House to exclude him from the gallery; but he would have still more cause to feel affronted should he be turned out on the *ipse dixit* of a single Member. He trusted the House would realize the fact that the reporting of the Debates, although not perfect, was as practically convenient as it could be.

SIR WILLIAM HARCOURT ventured to submit that on the Resolution at present before the House all discussion of the subject of the admission of Strangers was quite irrelevant. That Resolution had only to do with the question of the Publication of Debates. Now, the position taken up by the Secretary of State for War on behalf of the Government he understood to be this—that they proposed to negative the present Resolution, and thereby to leave the question of the Publication of Debates as it stood; but that with reference to

*Mr. Roebuck*

the admission of Strangers they were willing to make some modification of the existing rules. As to the former matter, therefore, there was a clear and definite issue before the House—namely, whether or not they were to leave things as they were. The Secretary for War had argued that there was no reason for dealing with more than the evil which actually existed, and that that evil was connected merely with the exclusion of Strangers. But in point of fact the existing evil was connected principally and primarily with the Publication of the Debates. Therein lay the original difficulty; the other question was only an incident. What had led to these discussions was the circumstance of the hon. Member for Londonderry (Mr. C. Lewis) calling attention to the publication of certain proceedings of a Committee—and it was all the same whether the report referred to a Committee or to the House—and calling upon the House to vote that that publication was a breach of Privilege:—and the House having agreed that a breach of Privilege had been committed it followed that the printers should be called to the Bar. The right hon. Gentleman the Leader of House was compelled to say that no doubt the House must vote that a breach of Privilege had been committed; but he expressed his opinion that so unsatisfactory a state of things as that one Member should be able to decide that a breach of Privilege had been committed should be allowed to continue. They had been occupied for days—he might say for weeks—in trying to get out of the mess they had got into through the exercise of that power; and they had the authority of the Leader of the House that if one Member called upon them to say that the publication of a single word of their proceedings was a breach of Privilege, they could not do otherwise than so pronounce it. Then, on the occasion to which he was referring, the right hon. Member for Liskeard (Mr. Horsman) laid down the further proposition that when any publication was declared a breach of Privilege the House must, as a matter of course, summon the printers to the Bar. [Mr. HORSMAN: I said that it was the invariable practice.] Well, the practice of the House was the law of the House. Under the circumstances which he had stated it might happen to-morrow that the hon. Member for Louth

(Mr. Sullivan) would get up and call attention to the fact that this very discussion had been published in the newspapers. Was it a breach of Privilege or not? What were they to do in such a case? The House would be in exactly the same scrape as before. The Prime Minister ought to state what course he would take if such a Motion were made. Whether the Motion of his noble Friend was the best mode of dealing with the subject might be a matter of opinion: at any rate, the question could not be left as it was. If the hon. Member for Louth raised the question to-morrow, would the House say there was no breach of Privilege, and thus settle the Publication of Debates by nightly votes? By merely rejecting his noble Friend's Resolution the question would not be got rid of. The House would shut its eyes and shunt the difficulty for the moment, but would soon get into the same false position as before. The proper plan would be to deal with this question at once and boldly. As it was, the House had been driven from pillar to post, and asked to resist change inch by inch. The Prime Minister at first said no change was necessary. Then the House was told that the Government would concede the change as to Strangers, but would make no change as to Publication. Now, he ventured to say this would not be a final resolution. The evils were so obvious that, sooner or later, the course suggested in the Resolution must be taken, and it would be best to take it at once. Publication was the main question which had led to this discussion. The House should deal, then, with Publication in some way which might be consistent with its dignity and interests—for it was out of that that the whole of this discussion had sprung. They all knew that the House would not have half the influence it possessed, if it were not for the Publication of the Debates; and he was never more struck than by the indignation expressed by the right hon. Gentleman at the hon. Member for Louth, while at the same time he complained that the course then taken would put an end to the debates. The House did not recognize Reporters, yet was indignant when by excluding them an hon. Member put an end to the debates. What a wonderful piece of inconsistency was this! The moment the Reporters went away, the mission of the House of

Commons was felt to be at an end, and the only point was to get back the Reporters as soon as possible. The House recognized the fact that, practically, it could not go on without the Reporters. Why, then, could not the House of Commons make up its mind to recognize the fact that there were Reporters in the gallery, that the debates were published, and that they ought to be published under such regulations as were thought requisite? If the House objected to the wording of the Resolution it might be amended; he was only arguing that something should be done with reference to the Publication of the Debates. That, not the terminology of the Resolution, was the issue raised between the Government and the Gentlemen sitting on his side of the House. A hope had been expressed that this would not be made a Party question. Now, he and his friends did not want to make it a Party question. [Mr. HORSMAN: Hear, hear!] If they wanted to make it a Party question, the last person they would think of consulting would be the right hon. Gentleman. But unless it was considered by the Government itself that this was a Party question, he believed it was a very unusual course to summon its supporters for the purpose of consultation. ["Hear!"] He was telling no secrets, for the right hon. Gentleman at the head of the Government had himself told them that he had consulted with his Friends and those about him on this question.

MR. GATHORNE HARDY said, that the statement of his right hon. Friend referred only to Gentlemen on the Treasury Bench.

SIR WILLIAM HARCOURT said, he would consider himself contradicted, and hold that there had been no such meeting. He did not much care, however, whether it was or was not a Party question. He wanted to know what the question was. Having heard the reasons given by the right hon. Gentleman (Mr. G. Hardy) he thought the rule could not be left as it was, for it would be inconsistent to do so, and at the same time alter the rule with reference to Strangers. He was therefore prepared to support the Resolution of his noble Friend on the ground that some Amendment was necessary as to the exclusion of Reporters.

MR. HORSMAN: I wish my hon. and learned Friend would tell me what has made this question one of such sudden excitement upon the front bench of Opposition. The worst of all modes of treating this question is to treat it as a Party question, and I think I can show that it undoubtedly has been so treated. According to my experience in this House—which is somewhat longer than that of my hon. and learned Friend—there has been but one mode of dealing with questions of Privilege—which really are questions of Parliamentary power and supremacy. The Leaders on neither side have taken such questions into their own hands—they have invariably consulted together; after such consultation they have never come to any conclusion without referring to the highest authority in the House; and until the Speaker has approved the change proposed, I have never known any Ministry propose such change. The moment this rule is departed from, the question is made a Party question. This matter of Privilege has been more or less before every Cabinet Minister now living. It has been before that veteran Minister Earl Russell, during whose first Administration a strong Committee was appointed to deal with it—they went into the matter—they considered it:—but though they saw the anomalies and absurdities of the present Rule, they were unanimously of opinion that the inconveniences likely to arise from a change were greater than those to which they were already exposed, and they recommended that no change should be made. Not only was this opinion shared by men like Sir Robert Peel and Sir James Graham, but by popular champions like Mr. Hume, and Lord Palmerston and others came to the same conclusion. Whatever may be the charges brought against my right hon. Friend (Mr. Gladstone), no one can say he is pusillanimous in making changes endorsed by public opinion—the late Government, then, appointed a Committee on this subject; it was presided over by the Chancellor of the Exchequer; and by the casting vote of the Chairman the Committee recommended this change. Yet the late Government, warring as it did so courageously and honestly against abuses, shrank from acting on the Report of the Committee, and bequeathed this unsettled difficulty to the Government of



the right hon. Gentleman. The present Ministry have considered the question upon the case of Privilege raised so unexpectedly by the hon. Member for Londonderry (Mr. Lewis). Such cases had been raised before—not frequently, but on two or three occasions—and the House knows that they have always been raised in one way. There never has been an instance in which a question of breach of Privilege has been raised in that House, when the first Resolution had been moved affirming that a breach of Privilege had been committed, but that it was followed up by the second Resolution that the offending party should be summoned to the Bar of the House—there never was an instance until the other day in which the Minister of the Crown who supported that second Resolution could not count on the support of the front Opposition bench. The Prime Minister supported that Motion—not as the head of the Cabinet, but as the Leader of the House of Commons—relating to the honour and dignity of the House, in which every hon. Member had as great an interest as himself—but that was the first occasion on which, departing from the invariable practice, the front Opposition bench forgot that Opposition has its responsibilities as well as office. Having been challenged, I am compelled to say that I have never been more surprised in my life than when I saw the front Opposition bench take the first step towards making this a Party question by leading their Party into the Lobby against the Government. Then, what happened? The hon. Member for Louth (Mr. Sullivan) was quick to see the advantage thus offered, and to avail himself of it. He immediately gave Notice that he would ask the Prime Minister whether he meant to change the law. The right hon. Gentleman then considered the question, as his Predecessors had done, and came to the decision to which they had come—namely, not to change the law. Instantly there was an expression of great disappointment on the Opposition side of the House; an outcry was raised, and once more this was made a Party question. The hon. Member for Louth was encouraged by the sympathy he met with to announce two days afterwards that he would take the opportunity of clearing the Gallery, intimating also that he would clear it every day till the end of

the Session. He gave that Notice speaking as a representative and a champion of the Press. I confess that that threat did not appear to me to make any great impression on the House; but it must have made a great impression on the front Opposition bench, because the right hon. Member for the University of London (Mr. Lowe) afterwards spoke of the hon. Member for Louth as their King and as the master of the situation, and said they were all on their knees imploring that hon. Member to have mercy on them. Now, I have seen no indications of that panic in any other quarter of the House. On the contrary, the right hon. Gentleman's (Mr. Lowe's) description was far too highly coloured; and within three days afterwards we saw how exaggerated it was, because when the hon. Member for Cavan proceeded to put that threat into execution, the House was at once equal to the occasion; the Standing Order was suspended, and immediately—instead of the hon. Member for Louth being master of the situation—the House had the command of the situation. So unanimous was the feeling of the House that when the Prime Minister moved the suspension of the Standing Order the Motion was seconded by the noble Marquess the Leader of the Opposition, and it was suggested by the right hon. Member for Chester (Mr. Dodson) that if the proceeding were repeated the Standing Order should be suspended for the rest of the Session. So far from being masters of the situation, it was the Member for Louth and the Member for Cavan *versus* the whole House of Commons. The House had the remedy in its own hands. But in the panic of the front Opposition bench to which I have referred a negotiation was entered into with the hon. Member for Louth, and arrangements were made outside that there should be a little scene in the House. It is almost incredible that a negotiation should have been entered into by the Leader of the Opposition—taking the question out of the hands both of the Government and of the Speaker—with the hon. Member for Louth, who has not the sympathy of the House, and could not carry any strength with him. At half-past 4, however, up rose my noble Friend (the Marquess of Hartington), with a command of countenance which did him great credit, and, with an air of curiosity evidently seeking for



information, asked the hon. Member for Louth whether he really intended to carry out his terrific threat. The hon. Member for Louth said that was his intention. The noble Lord, apparently quite *impromptu*, said that if the hon. Member would forego that terrible infliction on the House, he would himself undertake to bring forward a proposal to effect the change desired. Thereupon the hon. Member for Louth got up in the old approved fashion, of the fire-eating days of Ireland, and said—"Mr. Speaker, the noble Lord has given me satisfaction; I withdraw my challenge." Amid cheers on that side of the House, the noble Marquess gave a pledge that he would take the question out of the hands of the Government. That was considered as a rebuke to the Leader of the House, and remarks were made that the right hon. Gentleman had mismanaged matters to throw such a card into the hands of the Opposition. Well, while this little scene was going on, I had the curiosity to watch the countenance of the Prime Minister; and I must say that, after 30 years' experience, I never saw it wear so mischievous an expression. The Prime Minister knew what my noble Friend was doing better than my noble Friend did himself; he knew there was a difference between making a promise to pay and making actual payment. When the promise of the noble Marquess was only three days old the hon. Member for Louth thought the performance of that promise was rather hanging fire; and the hon. Member for Cavan (Mr. Biggar) was put up for the purpose of administering a spur. [Mr. SULLIVAN: No, no!] I withdraw the expression. I should have said the hon. Member for Cavan got up. And then, what was the confession of the right hon. Member for the University of London? He said the noble Marquess had been reproached with being rather tardy in proceeding, but he assured the House that he had been busy ever since endeavouring to redeem his promise—adding that he had found it a very difficult and delicate task. Surely, however, before the noble Marquess gave the pledge he ought to have considered whether it was one that he could easily fulfil? But, apparently, not having been considered, the question could not be understood; and thus it had come to this—that without considering

*Mr. Horsman*

or understanding, we on this side of the House assumed the responsibility of proposing a change from which both the present and the late Prime Ministers and all the wisest and most experienced Members of the House had shrunk. We have been told of the great absurdity of the present rule. The question, however, is not whether it is theoretically absurd, but whether it is practically inconvenient. If all the anomalies of the British Constitution were done away with, how much of it, I should like to know, would remain? What has been the practical inconvenience of the rules in question in times past? In the course of 35 years the subject has occupied the attention of the House but two or three times for an hour at a time. That has been the whole practical inconvenience. It is upon the forbearance, the consideration, and the gentlemanlike feeling of its Members that the House must rely for having its Rules carried out satisfactorily. I should not have thought it necessary to trouble the House with these remarks had it not been that I have been put on my defence by what was said as to the course I took when the motion of the hon. Member for Londonderry (Mr. C. Lewis) was under decision. I have, I think, now shown that I acted consistently with all previous practice on that occasion by voting with the Government and not with those who—unfortunately and unwisely in my opinion—made the subject of the Privileges of the House a Party question. Having said this much I would say a few words on the Resolutions of the noble Lord. There have been various criticisms on these Resolutions; but the question which the House has to consider is, not whether the existing state of things is good, but whether it is likely to be improved by the adoption of the change which is proposed. I, for one, must contend that the difficulties which will arise if the Resolutions should be agreed to will be found to be infinitely greater and more numerous than any which have hitherto been experienced from the one small inconvenience against which the House is asked to legislate. It is proposed that the House should not entertain any complaint of the Publication of its Debates or of the proceedings before any of its Committees "except when such debates or proceedings shall have been conducted with closed doors,"

Well, against whom does that Resolution point? Not against the Press or the outside public. If a report of a debate is published when the proceedings have been conducted with closed doors, it must have been done by some Member of the House. He thereby would be guilty of an offence which the Resolution would make penal, but having created the offence, how is the Member by whom it is committed to be punished? Surely, the House will not commit so great an act of cruelty as to summon the poor unoffending printer to its Bar? It will then have to ascertain who the Member is by whom the law of the House has been violated. But suppose the Member gets up in his place and avows his offence. What is to be done in that case? He must have committed the offence wilfully; how is he to be punished? He may be reprimanded; but suppose him to have the courage and the earnestness which the hon. Member for Louth always exhibits, he may not be inclined to submit to the reprimand. He may commit a similar offence the very next day; and, if so, is he again to be reprimanded, or given into the custody of the Sergeant-at-Arms? Then there are the words "unless such publication shall have been expressly prohibited." But how is it to be prohibited? Is it to be prohibited by the House? Would the question be made a Party one, and a division taken upon it? If so, a Member of the minority may say he will not submit to that, and would publish in spite of the majority; and thus the House would be landed in a conflict with one of its Members. Then comes the question of "wilful" misrepresentation. Who is to say what is "wilfulness?" A Member of the House may complain that he has been "wilfully" misrepresented. He may have evidence to justify him in arriving at the conclusion that a particular paper had a grudge against him, and took every opportunity of perverting his meaning. Is the editor or printer to be called to the Bar of the House and punished without hearing his defence? In the Courts of Law, when a man is indicted for a "wilful" offence, he is tried before a Judge and jury, who decide upon evidence whether the offence is "wilful" or not; but what materials, I should like to know, does

the House of Commons possess for deciding a question of that kind? Different views will be entertained upon it on different sides of the House, and thus the question of "wilfulness" will become a matter of Party divisions. When I consider that within the last quarter of a century there are only two or three instances when the House has been cleared at the suggestion of a single Member, and only four or five in which a printer has been summoned to the Bar—occupying the time of the House for only about an hour and a-half every eight or nine years—I cannot help thinking that the present Rules, while they give the Press the maximum of liberty, put the House itself to the minimum of inconvenience. If any other plan can be devised which would be likely to effect those objects more completely, I should not hesitate to give it my support; but I cannot regard the Resolutions of the noble Lord in that light. Of course, whatever Rules are laid down, they will be liable to abuse—just as the hon. Member for Cavan abused his power, when he read reports from the newspapers for four hours together, or as any eccentric Gentleman might abuse it. Against such conduct no law can afford protection. Happily, however, the House is so constituted that there has been a very general consent to carry on its Business in a manner at once satisfactory and courteous to all. Even when Gentlemen who have acquired great notoriety out-of-doors come within these walls, they at once seem to be elevated by the influence of this Assembly, and instinctively pay respect to its Rules. Although, therefore, theoretically those Rules may be anomalous and absurd, they, on the whole, have been found to work well. Let the House, then, go back to the old-fashioned practice, that the Leaders on both sides should consult together, and after they have agreed on something which they regard as being a judicious, wise, and salutary change, let them submit it to the experience and better judgment of the Speaker; and after it has received his approval and sanction let it be adopted. Such a change would be carried out in the best and most satisfactory way, initiated as it would be by both sides of the House, and would be the most likely to work satisfactorily.

MR. HUNT said, that when the hon. and learned Member for Oxford (Sir William

Harcourt) spoke he had expected to hear some arguments why the Resolutions submitted to the House by the noble Marquess opposite should be adopted; but, as he thought, the hon. and learned Gentleman had failed to offer any reasons whatever in their favour, but rather had said that the whole question was whether or not they should leave the existing Rules as they stood. After alluding to the phrase "wilful misrepresentation," and pointing out the difficulty that might arise in defining what was "wilful," and saying that the phraseology of the Resolution might be improved, the hon. and learned Gentleman said that the real question was as to the Publication of Debates, and that the question could not be left where it was. Now, the correctness of that statement he (Mr. Hunt) entirely denied. Before the incident of the publication of a letter which was read before the Foreign Loans Committee, had any hon. Member, he should like to know, entertained the opinion that the publication of the debates of the House was a question which needed to be dealt with? What was there in the history of that occurrence which necessitated any action on the part of the House? The right hon. Gentlemen the Leader of the House said it was not desirable to treat the publication of that letter as a breach of Privilege, if they could get the information elsewhere; and if the right hon. Gentleman the Member for the University of London (Mr. Lowe) had thought proper to rise and give the information desired, the question of Privilege would have vanished into thin air, and the House would have heard no more of it. The information, in fact, was subsequently furnished by the Committee, and the printers were not called to the Bar of the House at all. Any difficulty, therefore, which did arise out of the case of the Foreign Loans Committee was satisfactorily disposed of. But it was asked, was it to be left to the discretion of a single Member of the House to say whether a breach of Privilege had been committed? To that he would reply that such discretion did not rest with any single Member of the House; it rested with the House itself. Supposing an hon. Member did raise the subject, nothing was easier than to move the previous Question, or to move that the House should pass to the Orders of the Day. It appeared to him, therefore,

*Mr. Hunt*

that the question of Publication stood on a different footing from the Exclusion of Strangers, which could be accomplished by the will of a single Member. The first of the noble Lord's Resolutions, therefore, appeared to him to be useless. And it was open to this further objection—that by giving the Press a kind of Parliamentary authority in reporting the proceedings of the House, it would make the question of whether the proceedings were misreported a constant source of discussion, and interfere with the Public Business. On the whole, he ventured to submit that it was better to retain the Rules and Orders of the House as they now stood, than to adopt a new system the results of which no one could pretend to foresee.

THE MARQUESS OF HARTINGTON said, he did not intend to enter on the argument of the First Lord of the Admiralty on this question, though he would by-and-by say a word or two on the Resolution he had laid before the House. The right hon. Gentleman the Member for Liskeard (Mr. Horsman) had given the House one of those lectures which they did not now hear for the first time, but with which they had not been favoured so often recently as might have been good for them—upon their conduct generally, and especially upon the conduct of the front (Opposition) bench. Coming from a Gentleman of so much authority as the right hon. Member he should have been disposed to accept some of his censures had he been convinced of the statements on which he had founded his reproof. He thought, however, the right hon. Gentleman's strictures would have had more weight had they been drawn up with a greater regard to accuracy. First, he said it was most unusual that the Leaders of the Opposition should have undertaken any matter connected with the Privileges of the House without consulting the right hon. Gentleman opposite, the Leader of the House. What opportunity had he (the Marquess of Hartington) for consulting the right hon. Gentleman? Far from making any complaint of the conduct of the right hon. Gentleman at the head of the Government, he would ask the House to remember what had occurred. The hon. Member for Louth asked the right hon. Gentleman whether he intended to take steps in regard to the Publication of the Debates. The right

hon. Gentleman did not consult him as to what answer he should give—and he should have been extremely surprised if he had done so. The right hon. Gentleman made the distinct and pointed reply that he had no such intention. Would he (the Marquess of Hartington) have been justified in rising and saying the right hon. Gentleman had made a great mistake in not entering into consultation with him? Again, he (the Marquess of Hartington) was charged with committing a most egregious error in having failed to second the Motion calling the printers to the Bar in the case of the Foreign Loans Committee. But the Motion was made, not by the right hon. Gentleman at the head of the Government, but by the hon. Member for Londonderry (Mr. C. Lewis), while the House was in what might be described as a state of bewilderment and stupefaction; and how could the front bench, therefore, be accused of a want of Parliamentary courtesy in the matter? He would not follow the right hon. Gentleman into his fanciful history of what took place previous to these Resolutions being placed on the Table. The right hon. Gentleman (Mr. Horsman) had been at great pains to prove that the hon. Member for Louth (Mr. Sullivan), who had given Notice of his intention to observe the presence of Strangers, was not master of the situation, and that the House was in a position very effectually to preserve its own freedom and dignity. It was true that when Strangers were unexpectedly espied by the hon. Member for Cavan (Mr. Biggar) the House took the extremely unusual course of suspending the Standing Order without Notice; but, as the Government did not think that was a course to be repeated, the Member for Louth was practically master of the situation, and it became necessary to take up the subject in view of the conduct which the hon. Member intended to pursue. If he (the Marquess of Hartington) had taken some days to frame his Resolutions, it was because he wished to put them in a form which might be acceptable to both sides of the House, and because it was necessary to pause before dealing with a subject of so much difficulty. He would now say a few words on the question immediately before the House, and from which his attention had been somewhat diverted by the constitutional lecture of the right

hon. Member for Liskeard. He regretted the decision which the Government had arrived at. The course which the Government had taken amounted to a distinct assertion that the present condition of affairs with respect to the Publication of its Debates was satisfactory and did not require amendment. For this reason also the decision of the Government was to be regretted: It had been said that the question was one which several Committees of the House had considered, and with regard to which they had recommended that things should be allowed to remain as they were. Those hon. Members who held this view had confused two questions which were perfectly distinct—namely, the Privilege of the House with regard to the Publication of its Debates and the question of the exclusion of Strangers. With regard to the last of these questions, a Committee had recommended that the existing Rule should be allowed to stand; but he was not aware that any Committee had considered the first question, which he regarded as a perfectly simple one, and one with which the House was perfectly competent to deal. The right hon. Gentleman opposite had solemnly warned the House against the danger of tampering with the unwritten law of Parliament—and the warning had a terrible sound; but it was totally inapplicable to the present case. The matter with which he asked the House to deal was no part of the unwritten law—it was part of the most distinctly written law of Parliament, and was contained in several Resolutions of the House. Among other Resolutions which had been passed on the subject he found the following in Sir Erskine May's *Parliamentary Practice*, p. 87:—

“That no news-letter writers do, in their letters or other papers that they disperse, presume to intermeddle with the debates, or any other proceedings of this House.”

“That no printer or publisher of any printed newspapers do presume to insert in any such papers any debates or any other proceedings of this House, or of any Committee thereof.”

“That it is an indignity to and a breach of the privilege of this House for any person to presume to give in written or printed newspapers any account or minute of the debates or other proceedings. That upon the discovery of the authors, printers, or publishers of any such newspaper, this House will proceed against the offenders with the utmost severity.”

If at any time it had been thought necessary to pass these Resolutions in



past times, he failed to see why, in a totally different state of things, the House should refuse to alter its former Resolutions. He had not asked the House to rescind the Resolutions he had quoted, because he knew that the House very properly desired to keep all matters of the kind entirely in its own hands; and further, that, although the House could divest itself of existing privileges, it could not create new ones. His Resolutions would affect no Privilege of the House—it merely proposed to lay down a rule for its own guidance—and could be rescinded at any time if the House thought proper. His Resolutions would simply interpose a sort of permanent Previous Question between the Motion of any hon. Member who wished the House to exercise its Privilege and the decision of the House upon the question. The right hon. Gentleman the Secretary of State for War had said that his Resolutions would fetter the discretion of Parliament without removing the inconveniences complained of. He (the Marquess of Hartington) failed to see that it would do anything of the kind. It had not been shown by any Speaker who had criticized the terms of his Resolution that the exceptions which he had included in his Motion were not wide enough to meet every conceivable case in which it might be necessary for the House to punish either the publisher or the printer of a newspaper. Further, if it did not remove every inconvenience—and he maintained it was quite impossible to avoid discussions on questions of Privilege if Members would bring them forward—he maintained that his proposal would have the effect of diminishing rather than increasing the number of questions of Privilege which might be raised—because hon. Members would have to make any charges they had to bring forward in distinct terms, and upon clearly defined offences. He thought the question of official reporting dealt with by the Amendment of the hon. Member for Galway (Mr. Mitchell Henry) was one which would be better dealt with separately than in connection with the matter before the House. Although the Government would not adopt the first of his Resolutions, it seemed that they had come to the conclusion that it was necessary to take action on the matters referred to in the second and third. He

*The Marquess of Hartington*

did not wish to stand between the House and its Leader, and he should place himself after the division on the first Resolution in the hands of the right hon. Gentleman and the House as to what course it might be most convenient to take on the other Resolutions as to the exclusion of Strangers. For his part he was indifferent whether the discussion took place on his Resolutions or that of the right hon. Gentleman (Mr. Lowe). Having raised a question of great importance he did not feel he should be acting fairly by the House if he did not do his best to procure its acceptance: after the announcement of the Government, however, there could be little doubt as to the fate of his unfortunate Resolution; but he was sure that not many Sessions would elapse before the right hon. Gentleman would think it necessary to introduce some Resolution as to the Publication of Debates, just as at the present moment he had been brought to admit it was necessary to do something as regarded the exclusion of Strangers.

MR. MITCHELL HENRY expressed his willingness to withdraw the Amendment, but said that next Session he or some other Member would bring the question forward.

Amendment, by leave, *withdrawn*.

Original Question put.

The House *divided*:—Ayes 147; Noes 254: Majority 107.

#### AYES.

Amory, Sir J. H.	Clive, G.
Ashley, hon. E. M.	Cole, H. T.
Balfour, Sir G.	Colman, J. J.
Barclay, A. C.	Conyngham, Lord F.
Barclay, J. W.	Corbett, J.
Bass, M. T.	Cotes, C. C.
Baxter, rt. hon. W. E.	Cowan, J.
Bazley, Sir T.	Cowen, J.
Beaumont, Major F.	Cowper, hon. H. F.
Beaumont, W. B.	Crawford, J. S.
Biggar, J. G.	Cross, J. K.
Blennerhassett, R. P.	Davie, Sir H. R. F.
Bolckow, H. W. F.	Davies, R.
Brassey, T.	Dillwyn, L. L.
Briggs, W. E.	Dixon, G.
Bright, rt. hon. J.	Dodson, rt. hon. J. G.
Brown, A. H.	Duff, M. E. G.
Bruce, rt. hon. Lord E.	Duff, R. W.
Burt, T.	Edwards, H.
Cameron, C.	Egerton, Adm. hon. F.
Campbell, Sir G.	Errington, G.
Carington, hn. Col. W.	Evans, T. W.
Cavendish, Lord F. C.	Fletcher, I.
Chadwick, D.	Foljambe, F. J. S.
Clarke, J. C.	Fordyce, W. D.
Clifford, C. C.	Forster, rt. hon. W. E.



Foster, W. H.  
 Gladstone, rt. hn. W. E.  
 Gladstone, W. H.  
 Goldsmid, J.  
 Goschen, rt. hon. G. J.  
 Gourley, E. T.  
 Grey, Earl de  
 Harcourt, Sir W. V.  
 Harrison, C.  
 Hartington, Marq. of  
 Havelock, Sir H.  
 Hayter, A. D.  
 Herbert, H. A.  
 Herschell, F.  
 Hill, T. R.  
 Holms, J.  
 Holms, W.  
 Hopwood, C. H.  
 Howard, hn. C. W. G.  
 Jackson, H. M.  
 James, Sir H.  
 James, W. H.  
 Jenkins, D. J.  
 Kingscote, Colonel  
 Kinnaird, hon. A. F.  
 Knatchbull-Hugessen,  
 rt. hon. E.  
 Laing, S.  
 Lambert, N. G.  
 Law, rt. hon. H.  
 Lawrence, Sir J. C.  
 Lawson, Sir W.  
 Leeman, G.  
 Lefevre, G. J. S.  
 Leith, J. F.  
 Lloyd, M.  
 Locke, J.  
 Lowe, rt. hon. R.  
 Lubbock, Sir J.  
 Macdonald, A.  
 Mackintosh, C. F.  
 M'Arthur, A.  
 M'Arthur, W.  
 M'Lagan, P.  
 M'Laren, D.  
 Maitland, J.  
 Maitland, W. F.  
 Martin, P. W.  
 Meldon, C. H.  
 Milbank, F. A.

Monck, Sir A. E.  
 Morgan, G. O.  
 Muntz, P. H.  
 Newdegate, C. N.  
 Noel, E.  
 Nolan, Captain  
 O'Connor, D. M.  
 Palmer, C. M.  
 Peel, A. W.  
 Pender, J.  
 Pennington, F.  
 Philips, R. N.  
 Playfair, rt. hon. L.  
 Portman, hon. H. W. B.  
 Ralli, P.  
 Ramsay, J.  
 Reed, E. J.  
 Richard, H.  
 Samuelson, B.  
 Sinclair, Sir J. G. T.  
 Smith, E.  
 Smyth, R.  
 Stacpoole, W.  
 Stansfeld, rt. hon. J.  
 Stanton, A. J.  
 Stuart, Colonel  
 Sullivan, A. M.  
 Swanston, A.  
 Talbot, C. R. M.  
 Tavistock, Marquess of  
 Torrens, W. T. M'C.  
 Tracy, hon. C. R. D.  
 Hanbury-  
 Trevelyan, G. O.  
 Villiers, rt. hon. C. P.  
 Vivian, H. H.  
 Walter, J.  
 Waterlow, Sir S. H.  
 Watkin, Sir E. W.  
 Weguelin, T. M.  
 Whitbread, S.  
 Whitworth, B.  
 Whitworth, W.  
 Williams, W.  
 Wilson, Sir M.  
 Yeaman, J.  
 Young, A. W.

## TELLERS.

Adam, rt. hon. W. P.  
 Kensington, Lord

## NOES.

Adderley, rt. hon. Sir C.  
 Agnew, R. V.  
 Alexander, Colonel  
 Allen, Major  
 Allopp, C.  
 Anderson, G.  
 Anstruther, Sir W.  
 Arkwright, A. P.  
 Arkwright, F.  
 Ashbury, J. L.  
 Assheton, R.  
 Astley, Sir J. D.  
 Baggallay, Sir R.  
 Barrington, Viscount  
 Barttelot, Colonel  
 Bates, E.  
 Bateson, Sir T.  
 Bathurst, A. A.  
 Beach, rt. hn. Sir M. H.  
 Beach, W. W. B.  
 Benett-Stanford, V. F.

Bentinck, G. C.  
 Beresford, Lord C.  
 Beresford, Colonel M.  
 Birley, H.  
 Booth, Sir R. G.  
 Bourke, hon. R.  
 Bourne, Colonel  
 Bowyer, Sir G.  
 Bright, R.  
 Brise, Colonel R.  
 Broadley, W. H. H.  
 Brooks, M.  
 Brooks, W. C.  
 Bruce, hon. T.  
 Bulwer, J. R.  
 Butler-Johnstone, H. A.  
 Butt, I.  
 Buxton, Sir R. J.  
 Callender, W. R.  
 Cameron, D.  
 Campbell, C.

Cartwright, F.  
 Cave, rt. hon. S.  
 Cawley, C. E.  
 Cecil, Lord E. H. B. G.  
 Chaplin, Colonel E.  
 Chaplin, H.  
 Chapman, J.  
 Charley, W. T.  
 Churchill, Lord R.  
 Close, M. C.  
 Clowes, S. W.  
 Cobbett, J. M.  
 Cobbold, J. P.  
 Cochrane, A. D. W. R. B.  
 Cole, Col. hon. H. A.  
 Corbett, Colonel  
 Cordes, T.  
 Corry, hon. H. W. L.  
 Corry, J. P.  
 Cotton, Alderman  
 Crichton, Viscount  
 Cross, rt. hon. R. A.  
 Cubitt, G.  
 Cuninghame, Sir W.  
 Cust, H. C.  
 Dalkeith, Earl of  
 Dalrymple, C.  
 Denison, C. B.  
 Denison, W. E.  
 Dick, F.  
 Dickson, Major A. G.  
 Disraeli, rt. hon. B.  
 Douglas, Sir G.  
 Dyott, Colonel R.  
 Eaton, H. W.  
 Edmonstone, Admiral  
 Sir W.  
 Egerton, hon. A. F.  
 Elliot, Sir G.  
 Elliot, G.  
 Elphinstone, Sir J. D. H.  
 Estcourt, G. B.  
 Ewing, A. O.  
 Fellowes, E.  
 Fielden, J.  
 Finch, G. H.  
 Floyer, J.  
 Forester, C. T. W.  
 Fraser, Sir W. A.  
 Freshfield, C. K.  
 Gallwey, Sir W. P.  
 Gardner, R. Richard-  
 son-  
 Garnier, J. C.  
 Gilpin, Colonel  
 Goddard, A. L.  
 Goldney, G.  
 Gooch, Sir D.  
 Gordon, rt. hon. E. S.  
 Gore, J. R. O.  
 Gore, W. R. O.  
 Grantham, W.  
 Greenall, G.  
 Greene, E.  
 Guinness, Sir A.  
 Gurney, rt. hon. R.  
 Halsey, T. F.  
 Hamilton, Lord C. J.  
 Hamilton, I. T.  
 Hamilton, Lord G.  
 Hamilton, Marq. of  
 Hamilton, hon. R. B.  
 Hanbury, R. W.

Hardcastle, E.  
 Hardy, rt. hon. G.  
 Harvey, Sir R. B.  
 Heath, R.  
 Helmsley, Viscount  
 Henley, rt. hon. J. W.  
 Hermon, E.  
 Hildyard, T. B. T.  
 Hill, A. S.  
 Hodgson, W. N.  
 Hogg, Sir J. M.  
 Holford, J. P. G.  
 Holker, Sir J.  
 Holland, Sir H. T.  
 Holmesdale, Viscount  
 Holt, J. M.  
 Home, Captain  
 Hope, A. J. B. B.  
 Horsman, rt. hon. E.  
 Hubbard, rt. hon. J.  
 Hunt, rt. hon. G. W.  
 Jenkins, E.  
 Jervis, Colonel  
 Johnson, J. G.  
 Johnstone, H.  
 Jolliffe, hon. S.  
 Jones, J.  
 Kavanagh, A. MacM.  
 Kennaway, Sir J. H.  
 Knightley, Sir R.  
 Lacon, Sir E. H. K.  
 Learmonth, A.  
 Lee, Major V.  
 Legard, Sir C.  
 Leigh, Lt.-Col. E.  
 Lennox, Lord H. G.  
 Leslie, J.  
 Lindsay, Col. R. L.  
 Lindsay, Lord  
 Lloyd, T. E.  
 Lopes, Sir M.  
 Lowther, hon. W.  
 Lowther, J.  
 Macartney, J. W. E.  
 M'Kenna, Sir J. N.  
 Mahon, Viscount  
 Majendie, L. A.  
 Makins, Colonel  
 Malcolm, J. W.  
 Manners, rt. hn. Lord J.  
 March, Earl of  
 Marten, A. G.  
 Maxwell, Sir W. S.  
 Mellor, T. W.  
 Merewether, C. G.  
 Mills, A.  
 Mills, Sir C. H.  
 Monckton, F.  
 Monckton, hon. G.  
 Montagu, rt. hn. Lord R.  
 Montgomerie, R.  
 Montgomery, Sir G. G.  
 Moore, S.  
 Mowbray, rt. hn. J. R.  
 Neville-Grenville, R.  
 Newport, Viscount  
 Noel, rt. hon. G. J.  
 Northcote, rt. hon. Sir  
 S. H.  
 O'Clery, K.  
 O'Neill, hon. E.  
 O'Shaughnessy, R.  
 Parker, Lt.-Col. W.

Pell, A.	Starkey, L. R.
Pennant, hon. G.	Starkie, J. P. C.
Peploe, Major	Steere, L.
Percy, Earl	Storer, G.
Phipps, P.	Sturt, H. G.
Plunket, hon. D. R.	Sykes, C.
Plunkett, hon. R.	Talbot, J. G.
Powell, W.	Taylor, rt. hon. Col.
Praed, C. T.	Tennant, R.
Praed, H. B.	Thynne, Lord H. F.
Price, Captain	Tollemache, W. F.
Raikes, H. C.	Torr, J.
Read, C. S.	Tremayne, J.
Rendlesham, Lord	Trevor, Lord A. E. Hill-
Repton, G. W.	Turnor, E.
Ridley, M. W.	Twells, P.
Ripley, H. W.	Vance, J.
Ritchie, C. T.	Walker, T. E.
Rodwell, B. B. H.	Wallace, Sir R.
Round, J.	Walpole, hon. F.
Ryder, G. R.	Walpole, rt. hon. S.
Salt, T.	Walsh, hon. A.
Sandon, Viscount	Watney, J.
Sclater-Booth, rt. hn. G.	Welby, W. E.
Scott, Lord H.	Wethered, T. O.
Scott, M. D.	Wheelhouse, W. S. J.
Scourfield, J. H.	Whitelaw, A.
Selwin - Ibbetson, Sir	Wilmot, Sir H.
H. J.	Wilmot, Sir J. E.
Shute, General	Wolff, Sir H. D.
Sidebottom, T. H.	Wyndham, hon. P.
Smith, A.	Yarmouth, Earl of
Smith, W. H.	Yorke, hon. E.
Smollett, P. B.	
Somerset, Lord H. R. C.	TELLERS.
Stanhope, hon. E.	Dyke, W. H.
Stanley, hon. F.	Winn, R.

THE MARQUESS OF HARTINGTON thought it would be unnecessary for him to enter into an explanation of his second Resolution, as its meaning was so plain. He had said all that was necessary in explanation of it when he proposed his first Resolution, and without saying more he now moved it.

Motion made, and Question proposed,

"That strangers shall not be directed to withdraw upon notice being taken of their presence: but if occasion shall arise for repressing or preventing disorder, Mr. Speaker, or the Chairman of a Committee, may direct their exclusion from any part of the House."—(*The Marquess of Hartington.*)

MR. CHARLEY, who had given Notice of the following Amendment:—

"To leave out Resolutions 2 and 3, and insert the following Resolutions:—

"2. That the existing Rule of excluding strangers, upon notice by an individual Member that strangers are present, is hereby rescinded.

"3. That strangers may be directed by the Speaker or the Chairman of Ways and Means to withdraw from any part of the House, if he shall think fit, for the purpose of repressing or preventing disorder.

"4. That strangers may be directed to withdraw by an Order of the House.

"5. That unless one day's previous Notice of Motion to exclude strangers shall have been given, the question shall be put and determined without amendment or debate."

said, he had not placed his Amendment on the Paper in any spirit of hostility to the noble Marquess, his only object having been to translate into ordinary language the heroic language of the Resolution which had just been moved. After the appeal which had been made by the Prime Minister, however, he would not move his Amendment.

MR. NEWDEGATE: Mr. Speaker, as a Constitutional Conservative, I rejoice that the right hon. Gentleman the Member for Liskeard (Mr. Horsman) appeared at the conclusion of his speech to have resumed some consciousness that there is some merit in the traditions and customs of this House. I confess that I find myself in a somewhat embarrassing position from what I have been told with respect to the probable conduct of the right hon. Gentleman at the head of Her Majesty's Government. I served with that right hon. Gentleman as a Member of the Select Committee on the Public Business of this House which sat in 1871, when he voted, with myself and the hon. and gallant Member for West Sussex (Colonel Barttelot), that the Privilege of Members of this House to claim the exclusion of Strangers ought to be retained. The right hon. Gentleman spoke on this subject about three weeks ago, and he concluded his speech by affirming that matters should be left as they are; that is to say, that the Privilege of Members—to use a Parliamentary phrase—to "espy Strangers" should be retained, and the right hon. Gentleman used emphatic language and cited the authority of Lord Lyndhurst, that it was dangerous to attempt to embody the "unwritten law of Parliament." But, Sir, the law on this subject, as has been shown by the noble Lord the Member for Radnor, this is in part, at all events, written law, though not, perhaps, in this particular case of "espionage Strangers." I myself confess, that there has recently, on two occasions, been an abuse of this Privilege. But I regret that the noble Lord, whose first Resolution I have supported, should appear in the first part of his second Resolution to concur with the right hon.

Gentleman in the proposal, that this Privilege of the Members of the House should be practically abolished. The Amendment which stands in my name would, Sir, if it were adopted, strike out the words in the noble Lord's second Resolution which propose to abolish the Privilege of Members to claim the exclusion of Strangers, for I retain the opinion which I held, after full consideration and discussion, in the Committee of 1871. In that Committee it was proposed by the right hon. Gentleman the Member for the University of London, who was Chairman, that this Privilege belonging to Members of this House as individual Members should be abolished, in these terms—

"That Strangers shall not be directed to withdraw during any debate except upon a question put and agreed to without amendment or debate."

In opposition to that proposal there voted Mr. Disraeli, Sir George Grey, Mr. Bouverie, Mr. Newdegate, Mr. Cavendish Bentinck, Mr. Graves, Colonel Barttelot, Mr. Vance, and Mr. Collins. The Committee were equally divided, and the proposal was only carried by the casting vote of the Chairman. I have not changed my mind. I am still prepared to stand by this original Privilege as an essential appurtenance of the Members of this House individually. I admit that, in my opinion, the hon. Member for Louth (Mr. Sullivan), and the hon. Member for Cavan (Mr. Biggar) strained this Privilege to the extent of abusing it, and I have marked my sense of their doing so by voting for the first Resolution of the noble Lord the Member for Radnor. It appears to me, moreover, that as this Privilege has been abused, it is most desirable that it should be retained, but should be clearly defined; that the practice and custom of the House, as connected with this Privilege, should also be defined. I therefore propose to omit from the second Resolution of the noble Lord the Member for Radnor, the words—"that Strangers shall not be directed to withdraw upon notice being taken of their presence," which words would abolish the Privilege of hon. Members of the House, in order to insert these words—

"If any Member call the attention of the Speaker to the presence of Strangers in the House, so soon as the Strangers shall have

retired, Mr. Speaker," (and I wish the authority to be used by you, Sir, as the legitimate exponent of the Order of the House,) "shall call upon the Member who directed his attention to the presence of Strangers to state his reasons for their exclusion, and immediately on the Member's resuming his seat, Mr. Speaker shall propose as a question to be decided by the House, that Strangers be re-admitted; and it shall not be competent to any Member to call the attention of Mr. Speaker to the presence of Strangers during the remainder of that Sitting of the House."

I am most anxious to retain the last words of the noble Lord's Resolution, which are that—

"If occasion shall arise for repressing or preventing disorder, Mr. Speaker, or the Chairman of a Committee, may direct their exclusion from any part of the House."

Sir, I could not vote against the noble Lord's Resolution while it retained those words; for, improbable as I deem it to be that any disorderly intrusion into this House should take place, nothing should induce me to do anything that might diminish or invalidate your authority to quell any such disorder. Why am I anxious for the retention of this Privilege of hon. Members of the House as individual Members? The right hon. Gentleman at the head of the Government has cited the authority of Lord Lyndhurst in favour of not attempting to define in writing the unwritten law of Parliament; but to define would be far safer than to abolish this Privilege; and the right hon. Gentleman must forgive me for reminding him of what occurred in the year 1852, when I occupied a somewhat responsible position in the Party which he now leads. On that occasion I was cited before a meeting of Peers and Commoners, with Lord Lyndhurst in the Chair, because I had refused to oppose the second reading of Lord Russell's Reform Bill. The right hon. Gentleman was at that time such an anti-Reformer that he determined to oppose the second reading of that Bill, and so was also Lord Lyndhurst. I expressed my regret that from a sense of duty I must decline to do so, because I foresaw that that Reform Bill was much more moderate in its proportions, and more safely progressive than future Reform Bills were likely to be, and than the Reform Bill which bears the name of the right hon. Gentleman the First Lord of the Treasury proved to be. I may, therefore, compare notes with the right hon. Gentleman as a

Conservative Reformer. But I am jealous of this. I am jealous that the right hon. Gentleman should first use Lord Lyndhurst's authority for retaining the Privileges of the Members of this House, and the Rule of the House with respect to this Privilege unwritten, and then, in one short fortnight, turn round, and formally propose the abolition of this Privilege. I am jealous of this; because, if hon. Gentlemen who have been recently returned to this House from Ireland have not yet learned the value of these Privileges and the responsibility which their exercise involves, I believe that they will learn that value and that responsibility. I differ *in toto* from the opinion expressed by the right hon. Gentleman the Member for Liskeard to the effect that this Privilege must be abolished, because the House could not preserve it from abuse. The right hon. Gentleman spoke as if this great Assembly had no means or authority to enforce its Rules upon the Members of this House. Sir, if once that admission is fully made and recognized, this House is lost. If we are to be governed only by secret understandings between the Leader of the majority and the Leader of the minority—if our Standing Orders are to be subverted without Notice in any moment of pressure or caprice, the corporate character of this House is gone. The position of the Members of this House, if this Privilege be withdrawn from them, will, in my opinion, be irretrievably damaged. This Privilege of excluding Strangers is continually and necessarily enforced in the Committees of the House; and do we expect a Member of the Committee to assign his reasons for moving that the room be cleared of Reporters and the public before the room is cleared? No. What is the sense of this Privilege? It is this—that an hon. Member of this House, who has hitherto been accepted as an honourable man, as one who respects the Privileges of this House, has somewhat to communicate to the Committee or the House, which it is desirable should not at once be made generally known to the community at large, before the Committee or this House has had the opportunity of considering and probably acting upon it. Why, Sir, what has been the practice of the House? It is that which is indicated in my Amendment—that when an hon. Member

has used this Privilege, he is expected, immediately that the Galleries have been cleared, to rise in his place, and to state his reasons for thus interfering with the ordinary course of proceeding in this House. This statement of reasons I would make imperative; and then, Sir, I propose, after the statement of reasons, not that you should put the question, which would have the effect of precluding the Leader of the House or of the Opposition from uttering a word of comment upon the reasons adduced by the hon. Member for the exercise of this Privilege; I would leave it open to those who are highest in the confidence of this House, who lead by the custom, and to the other Members of this House to express their sense of the reasons alleged, before the House shall decide to recall the Strangers. I have always been impressed with the last words which were uttered by Lord Eversley before he finally quitted that Chair. The noble Lord warned this House to cherish and defend the Rules, the Customs, and the Privileges, not only of the House itself, but also those which regulate the position of its Members. He warned the House not lightly to depart from its Rules; and what, Sir, would be the result of adopting this Resolution as it stands, or the Resolution of which Notice has been given by the right hon. Gentleman at the head of the Government? That, if any Member in this House felt that he had matter which he ought to communicate to the House, on his drawing your attention to the presence of Strangers, the House would at once divide, and the vote would be a vote of credit or discredit to that Member. Do not talk to me about private communications. Private communications, Sir, form no part of the Rules, Orders, or Privileges of this House. The reasonable, the uniform custom has always been, that when an hon. Member has, upon his responsibility, exercised this Privilege, he is allowed to be heard by the House in the absence of Strangers. How can we be reasonably asked, without previous and regular information, to pass a formal Resolution by vote of the Whole House for the exclusion of Strangers when very few, if any, may know what is the nature of the subject that we are to debate in the absence of Strangers? Why are we not to know the reasons before we pro-

*Mr. Newdegate*



nounce judgment upon the necessity for excluding Strangers? and if the occasion and reasons were stated in their presence, how can there afterwards be any valid reason for their exclusion? Could anything be more unreasonable? Yet that is what it is now proposed that we should vote! This is the proposal to which I object in the first part of this second Resolution of the noble Lord. These, Sir, are not new thoughts with me. They are the reasons which actuated my vote in the Select Committee of 1871. And I have another reason. There has been a great change introduced in the electoral system, under which the Members of this House are now returned. Are we to declare, that this Reformed House of Commons consists of Members, who are incapable and unworthy of being permitted to exercise the Privileges, which were always individually used by our Predecessors? Should we, were this change effected, continue to command the respect of the country? Is it to go forth that the Members of this House individually and in the aggregate are no longer to be trusted with the Privileges which their Predecessors enjoyed? Sir, I will be no party to any such imputation. If abuse of this Privilege should unfortunately be practised by any Member of the House, the House has the means in its hands of enforcing respect for itself and for its Rules. As I said the other night, if a Member of the House should abuse his Privilege, you, Sir, might be called upon to reprimand him by name. If he were to continue contumacious he might be ordered into the custody of the Sergeant-at-Arms. And if he remained contumacious, he might be expelled from this House, as I have known done. I am anxious for the character of this House, for I have ever esteemed it as one of the most valuable possessions of this country and of the Empire; and I am convinced that by the supersession of a reasonable Privilege like this on the part of the individual Members of the House, you will degrade the character of Members individually and of the House collectively. There is no probability that this House will be subjected to any continued or repeated inconvenience by the abuse of this Privilege, for it will be its own fault if the House should be so inconvenienced. I see no sufficient occasion for the abolition

of this Privilege, which I have known exercised in the interests of the House and the country. It was long before I sat upon the Select Committee of 1871 that I first saw this Privilege exercised. The Attorney General of Lord John Russell's Government, Mr. Jervis, came down to the House and used this Privilege. He then, in the absence of Strangers, informed the House that, by a lapse in the Act appointing the first Ecclesiastical Commission, the whole of the baptisms, and marriages, and wills registered in certain portions of the country, which had been transferred by that Act from one diocese to another, were invalid, and that unless this House passed a Bill in a secret sitting and the House of Lords did the like, the litigation that would ensue would be enormous. That, Sir, was a legitimate use of this Privilege. How could the House have acted promptly to meet this necessity unless by the exercise of some such Privilege as this? If a debate had arisen in the presence of Strangers, the whole object would have been defeated. If the Attorney General had stated this in the presence of Reporters, debates might have arisen, and if debate had arisen and consequent delay, suits might have been instituted that would have produced endless confusion among unnumbered families. That was the first occasion on which I saw this Privilege used, and I am convinced that the time may come, that circumstances may arise which will render it most desirable that Members of this House should possess and should exercise this Privilege. I, for one, will not consent to part with it without humbly, earnestly, and respectfully entreating the House not to proclaim that its Members are no longer competent to exercise a Privilege which has been deemed reasonable and valuable for so long a series of years.

#### Amendment proposed,

To leave out from the word "That," to the word "presence," inclusive, and insert the words "if any Member call the attention of the Speaker to the presence of strangers in the House; so soon as the strangers shall have retired, Mr. Speaker shall call upon the Member who directed his attention to the presence of strangers to state his reasons for their exclusion, and immediately on the Member's resuming his seat, Mr. Speaker shall propose as a question to be decided by the House, that strangers be readmitted; and it shall not be competent to any Member to call the attention of Mr. Speaker to



the presence of strangers during the remainder of that sitting of the House,"—(*Mr. Newdegate*,)—instead thereof.

MR. DISRAELI: Sir, in approaching the consideration of this question, I do not wish to conceal from the House my original desire, if possible, not to have consented to any alteration. But, at the same time, acknowledging that although our conduct must be ruled by general principles, you must take in their application the consideration of circumstances, and, knowing from our own recent experience that the general opinion of the House is, that some modification should take place with regard to this Rule as to noticing the presence of Strangers, I have made up my mind to recommend to the House the adoption of a change which departs as little from the original meaning of the Rule as could have been devised. Now I differ from my hon. Friend who has just addressed us (*Mr. Newdegate*) on a very important point. I think that when an individual Member takes notice of the presence of Strangers, it would be most unwise after that notice is given that he should be called upon for his reasons. The privilege of giving reasons is one essentially vague, judging from our experience during the present Session. On the first occasion when Strangers were espied, the hon. Member for Cavan (*Mr. Biggar*) who exercised that privilege, was quite capable, if called upon to give his reasons, of employing several hours in the process. I do not for a moment, by that observation, intend to make any reflection upon that discretion of the hon. Member for Cavan; but still I think it would be inexpedient that any hon. Member should have that Privilege, and as we are now drawing up a new Resolution on the subject we should guard against what I believe, in the general opinion of the House, might become an abuse. We know very well that a Member called upon for his reasons may speak for even four hours, and the House will see at once to what an abuse that would lead. But that is not the only reason that influences me, in my opinion. I remember that in one of those Committees which have been referred to so frequently during these debates that this very question of giving reasons for noticing Strangers was under discussion, and the late Sir James Graham was extremely opposed to it. He

said that in the great Indian debates—which are now so rare in the House—some new Member of the House, a master of the subject, with great confidence in himself, perhaps a man of transcendent talents, a Sheridan or a Burke, might despair in the debate upon India of having an opportunity of catching the Speaker's eye. He might not have attained that position in the House which would enable him to catch the Speaker's eye or to command the sympathy of Friends—consequently he might espy Strangers, and in giving his reasons for doing so he could enter into the whole subject, and so anticipate the debate—a debate on which perhaps the fate of India might depend. I have always felt that unless we guarded this Privilege against amendment and debate we should not attain the object we have in view, and therefore I cannot agree to the proposition of the hon. Member for Warwickshire. With regard to the noble Lord's Resolutions, there is really no difference of opinion between the noble Lord and myself, except that from the view I take I would condense them into one Resolution, which I will submit to the House in this form—

"That if, at any sitting of the House, or in Committee, any Member shall take notice that Strangers are present, Mr. Speaker or the Chairman may, whenever he thinks fit, order the withdrawal of Strangers from any part of the House."

That guards the rights of the Speaker and the Chairman which, as they are rights they possess and exercise for the protection of the House and the maintenance of Order we cannot too cautiously deal with. I will not detain the House any longer. I have expressed the reasons why I think it would be most dangerous to accede to the proposition of the hon. Member for Warwickshire that under the circumstances of the case the Member who espys Strangers should have the privilege of giving his reasons, which, I believe, would lead to immense abuse and waste of time, and disorder in our debates. I have also offered a Resolution which will take the place of the two Resolutions of the noble Lord if he accedes to them; and I am myself prepared to take the opinion of the House upon the subject. But in taking the vote upon this Question we shall find it rather complicated. There must, I believe, be three divisions. We must take

a division first on the proposition of the hon. Member for Warwickshire, of omitting certain words in the noble Lord's Resolution and substituting words of his own. In that case I shall vote for retaining the words of the noble Lord. Then we shall have to consider the Resolution of the hon. Member for Warwickshire; and, thirdly, we shall have to deal with the Resolution which I shall myself put into the hands of the Speaker.

MR. W. E. FORSTER said, he did not doubt, from the right hon. Gentleman's statement, that they would be able before long to arrive at a conclusion. He could not accept the proposition of the hon. Member for North Warwickshire, which might cause undue delay in their proceedings. It was most important to retain for the Speaker and the Chairman of Ways and Means the power of ordering the exclusion of Strangers. They ought not to run any risk of endangering the independence of that House—the only great Representative Assembly in the world over which the public in the galleries had not the remotest influence. In the Legislative Assemblies of America and the Continent it was found that, not only in periods of disturbance, but at other times, Strangers had always some influence on the proceedings, from the size of the gallery and the rule under which they were admitted. There was no doubt that the summary and what might be called arbitrary, and in some instances capricious, power of excluding Strangers by the action of an individual Member, had been one cause of the independence that House had hitherto enjoyed; but after the action lately taken by the right hon. Gentleman opposite—doubtless, under the advice of those who managed their proceedings—that protection had, to some extent, been taken away, because it had put the control of the gallery in the power of the majority of the House. He could hardly suppose such a possibility, but there might be circumstances in which the majority of the House might be willing to have the assistance of an unruly gallery. The only way to guard against that was to put the power of exclusion in the hands of the Speaker and of the Chairman of the Committee of Ways and Means, and the knowledge that they had the authority and that it was their duty to keep order in the

galleries, would give even to a small minority the necessary protection; because any hon. Member could appeal to the Speaker to prevent the House from being overawed. By omitting the words “if occasions should arise for preventing or repressing disorder,” which he (Mr. Forster) proposed, the right hon. Gentleman gave the Speaker more complete power; he was therefore willing to take the Resolution as now proposed, for he was of opinion that, under a written law of Parliament, there was as much necessity that there should be a power of keeping order as there was under the unwritten.

MR. BUTT said, he thought the House in abolishing the existing regulation was about to make a most important change in the law of Parliament, and he regretted that the Prime Minister should have yielded to a supposed necessity for the alteration. It was one of the protections of the minority, and he thought that none of these should be parted with. He would refer to a precedent bearing on the subject which would show the House how an individual Member who happened not to be very popular had been protected against injustice by the action of the present rule. In 1833 Mr. O'Connell happened at a public meeting of which he was Chairman to denounce in very strong language the Reporters of the daily papers, whom he accused of designedly falsifying the reports of the debates. The result was that the Reporters came to a resolution not to report him until he had withdrawn that assertion, and his name appeared several times in the debates followed only by a line or two, in which he was simply represented as either having supported or opposed a Motion. Mr. O'Connell thereon moved that the printers of the morning papers be summoned to the Bar of the House for publishing certain reports purporting to be accounts of their proceedings; and upon that occasion Sir Robert Peel and others spoke very strongly in condemnation of the course which had been taken in reference to Mr. O'Connell. Sir Robert Peel, among other things, said that he did not believe the course of not reporting him would be persevered in, but that if it were assuredly other means than the interposition of the House would be found to put a stop to it. Mr. O'Connell then withdrew his Motion, in

Harcourt) spoke he had expected to hear some arguments why the Resolutions submitted to the House by the noble Marquess opposite should be adopted; but, as he thought, the hon. and learned Gentleman had failed to offer any reasons whatever in their favour, but rather had said that the whole question was whether or not they should leave the existing Rules as they stood. After alluding to the phrase "wilful misrepresentation," and pointing out the difficulty that might arise in defining what was "wilful," and saying that the phraseology of the Resolution might be improved, the hon. and learned Gentleman said that the real question was as to the Publication of Debates, and that the question could not be left where it was. Now, the correctness of that statement he (Mr. Hunt) entirely denied. Before the incident of the publication of a letter which was read before the Foreign Loans Committee, had any hon. Member, he should like to know, entertained the opinion that the publication of the debates of the House was a question which needed to be dealt with? What was there in the history of that occurrence which necessitated any action on the part of the House? The right hon. Gentlemen the Leader of the House said it was not desirable to treat the publication of that letter as a breach of Privilege, if they could get the information elsewhere; and if the right hon. Gentleman the Member for the University of London (Mr. Lowe) had thought proper to rise and give the information desired, the question of Privilege would have vanished into thin air, and the House would have heard no more of it. The information, in fact, was subsequently furnished by the Committee, and the printers were not called to the Bar of the House at all. Any difficulty, therefore, which did arise out of the case of the Foreign Loans Committee was satisfactorily disposed of. But it was asked, was it to be left to the discretion of a single Member of the House to say whether a breach of Privilege had been committed? To that he would reply that such discretion did not rest with any single Member of the House; it rested with the House itself. Supposing an hon. Member did raise the subject, nothing was easier than to move the previous Question, or to move that the House should pass to the Orders of the Day. It appeared to him, therefore,

*Mr. Hunt*

that the question of Publication stood on a different footing from the Exclusion of Strangers, which could be accomplished by the will of a single Member. The first of the noble Lord's Resolutions, therefore, appeared to him to be useless. And it was open to this further objection—that by giving the Press a kind of Parliamentary authority in reporting the proceedings of the House, it would make the question of whether the proceedings were misreported a constant source of discussion, and interfere with the Public Business. On the whole, he ventured to submit that it was better to retain the Rules and Orders of the House as they now stood, than to adopt a new system the results of which no one could pretend to foresee.

THE MARQUESS OF HARTINGTON said, he did not intend to enter on the argument of the First Lord of the Admiralty on this question, though he would by-and-by say a word or two on the Resolution he had laid before the House. The right hon. Gentleman the Member for Liskeard (Mr. Horsman) had given the House one of those lectures which they did not now hear for the first time, but with which they had not been favoured so often recently as might have been good for them—upon their conduct generally, and especially upon the conduct of the front (Opposition) bench. Coming from a Gentleman of so much authority as the right hon. Member he should have been disposed to accept some of his censures had he been convinced of the statements on which he had founded his reproof. He thought, however, the right hon. Gentleman's strictures would have had more weight had they been drawn up with a greater regard to accuracy. First, he said it was most unusual that the Leaders of the Opposition should have undertaken any matter connected with the Privileges of the House without consulting the right hon. Gentleman opposite, the Leader of the House. What opportunity had he (the Marquess of Hartington) for consulting the right hon. Gentleman? Far from making any complaint of the conduct of the right hon. Gentleman at the head of the Government, he would ask the House to remember what had occurred. The hon. Member for Louth asked the right hon. Gentleman whether he intended to take steps in regard to the Publication of the Debates. The right

hon. Gentleman did not consult him as to what answer he should give—and he should have been extremely surprised if he had done so. The right hon. Gentleman made the distinct and pointed reply that he had no such intention. Would he (the Marquess of Hartington) have been justified in rising and saying the right hon. Gentleman had made a great mistake in not entering into consultation with him? Again, he (the Marquess of Hartington) was charged with committing a most egregious error in having failed to second the Motion calling the printers to the Bar in the case of the Foreign Loans Committee. But the Motion was made, not by the right hon. Gentleman at the head of the Government, but by the hon. Member for Londonderry (Mr. C. Lewis), while the House was in what might be described as a state of bewilderment and stupefaction; and how could the front bench, therefore, be accused of a want of Parliamentary courtesy in the matter? He would not follow the right hon. Gentleman into his fanciful history of what took place previous to these Resolutions being placed on the Table. The right hon. Gentleman (Mr. Horsman) had been at great pains to prove that the hon. Member for Louth (Mr. Sullivan), who had given Notice of his intention to observe the presence of Strangers, was not master of the situation, and that the House was in a position very effectually to preserve its own freedom and dignity. It was true that when Strangers were unexpectedly espied by the hon. Member for Cavan (Mr. Biggar) the House took the extremely unusual course of suspending the Standing Order without Notice; but, as the Government did not think that was a course to be repeated, the Member for Louth was practically master of the situation, and it became necessary to take up the subject in view of the conduct which the hon. Member intended to pursue. If he (the Marquess of Hartington) had taken some days to frame his Resolutions, it was because he wished to put them in a form which might be acceptable to both sides of the House, and because it was necessary to pause before dealing with a subject of so much difficulty. He would now say a few words on the question immediately before the House, and from which his attention had been somewhat diverted by the constitutional lecture of the right

hon. Member for Liskeard. He regretted the decision which the Government had arrived at. The course which the Government had taken amounted to a distinct assertion that the present condition of affairs with respect to the Publication of its Debates was satisfactory and did not require amendment. For this reason also the decision of the Government was to be regretted: It had been said that the question was one which several Committees of the House had considered, and with regard to which they had recommended that things should be allowed to remain as they were. Those hon. Members who held this view had confused two questions which were perfectly distinct—namely, the Privilege of the House with regard to the Publication of its Debates and the question of the exclusion of Strangers. With regard to the last of these questions, a Committee had recommended that the existing Rule should be allowed to stand; but he was not aware that any Committee had considered the first question, which he regarded as a perfectly simple one, and one with which the House was perfectly competent to deal. The right hon. Gentleman opposite had solemnly warned the House against the danger of tampering with the unwritten law of Parliament—and the warning had a terrible sound; but it was totally inapplicable to the present case. The matter with which he asked the House to deal was no part of the unwritten law—it was part of the most distinctly written law of Parliament, and was contained in several Resolutions of the House. Among other Resolutions which had been passed on the subject he found the following in Sir Erskine May's *Parliamentary Practice*, p. 87:—

“That no news-letter writers do, in their letters or other papers that they disperse, presume to intermeddle with the debates, or any other proceedings of this House.”

“That no printer or publisher of any printed newspapers do presume to insert in any such papers any debates or any other proceedings of this House, or of any Committee thereof.”

“That it is an indignity to and a breach of the privilege of this House for any person to presume to give in written or printed newspapers any account or minute of the debates or other proceedings. That upon the discovery of the authors, printers, or publishers of any such newspaper, this House will proceed against the offenders with the utmost severity.”

If at any time it had been thought necessary to pass these Resolutions in



the most sensible men of the Three Kingdoms in their day, was about to be destroyed. Both the Prime Minister and the Leader of the Opposition had succumbed to the Member for Louth. All his life an enthusiastic admirer of the customs of Parliament, both written and unwritten, it gave him great pain to see the way in which the Prime Minister and the Leader of the Opposition had dealt with this question. The clamour which the Member for Louth had raised against the practice of the House on this subject seemed to him (Sir William Fraser) a tempest in a teacup. The Motion of the Secretary for War, that the debate on the former occasion should be adjourned, was the main cause of the difficulty. Both sides of the House seemed to be anxious to get rid of this question, and he regretted that the right hon. Gentleman the Member for Liskeard did not move, at the close of his admirable speech, that the House should pass to the Orders of the Day, or move the Previous Question; he believed that the majority of Members would have gladly adopted either way of getting rid of this matter. The question of newspaper reporting was beside the main question; the real question was whether the House, at the suggestion of an hon. Member who entered the House last year for the first time, should abolish one of the most important items of its practice? Many traditions and practices of the House could be as easily attacked as was this Standing Order; and they might be parted with one by one in the same way. Upon the question of the admission of the public to the debates of the House there were some points that were hardly touched upon. It should be remembered that in France two dynasties, those of Louis Philippe and of Napoleon III., fell because a rabble rushed into the gallery of the French Legislative Assembly and clamoured for their downfall. In this case the Government had given way without any apparent necessity.

MR. ANDERSON: I shall not take up much time with many observations, for when the two front Benches have patched up their differences it is not much use for anyone else to say anything. When they do patch up their differences they are, however, generally wrong, and I think they are wrong now. On the last division I voted with the

*Sir William Fraser*

right hon. Gentleman away from my Party, because I am very jealous of the rights of Members. I desire to conserve the rights of Members, because the rights of Members are the rights of those who send them here. Therefore I am averse to change the Rules which have worked so well. I think the right hon. Gentleman (Mr. Disraeli) has shown himself very inconsistent in this matter. I believe hon. Gentlemen opposite think I am a good Radical, but in the matter of our Rules I claim to be more Conservative than the Chief of the Conservative Government. A short time ago the right hon. Gentleman broke through a Rule of the House in the most reckless manner. I allude to the case when the Member for Stoke came forward and had no introducer. The right hon. Gentleman got up and quite unnecessarily proposed to abrogate a rule which had existed for 200 years. I say he did this quite unnecessarily, because the right hon. Member for Birmingham would have introduced the hon. and learned Member himself. Now he proposes to alter another rule, which had worked well until recently. I think when Rules of this House are to be altered they should be changed in the smallest extent possible. For that reason I would support the Amendment of the hon. Member for North Warwickshire, because I think it so slight a change of the present Rule that it hardly amounts to a change at all. If a Member knew that the moment the House was cleared he would be obliged to stand up and explain his reasons, that would cause him to be careful how he used his privilege. If we adopted that change, it would be unnecessary to go further; but, settled as the matter has been by the occupants of the front Benches, it is useless for a private Member to say anything. All I would add is that, if the hon. Member for North Warwickshire does go to a division, I shall support him.

Question, "That the words 'strangers shall not be directed to withdraw upon notice being taken of their presence' stand part of the Question," put, and *negatived*.

Question put,

"That the words 'if any Member call the attention of the Speaker to the presence of strangers in the House, so soon as the strangers



shall have retired, Mr. Speaker shall call upon the Member who directed his attention to the presence of strangers to state his reasons for their exclusion, and immediately on the Member's resuming his seat, Mr. Speaker shall propose as a question to be decided by the House, that strangers be re-admitted: and it shall not be competent to any Member to call the attention of Mr. Speaker to the presence of strangers during the remainder of that [sitting of the House,] be there inserted," instead thereof.

The House *divided*:—Ayes 30; Noes 192: Majority 162.

MR. DISRAELI then moved the Resolution which he had suggested.

Amendment proposed,

To insert, after the word "That," the words "if, at any sitting of the House, or in Committee, any Member shall take notice that strangers are present, Mr. Speaker, or the Chairman (as the case may be) shall forthwith put the question that strangers be ordered to withdraw, without permitting any debate or amendment: Provided, That Mr. Speaker and the Chairman may, whenever he think fit, order the withdrawal of strangers from any part of the House."—(*Mr. Disraeli.*)

MR. DODSON, in the absence of his noble Friend (the Marquess of Hartington), accepted the Amendment to his second Resolution proposed by the right hon. Gentleman. With regard to the third Resolution, the noble Lord and his Friends thought that its adoption would be an improvement; but, in the circumstances, he would not press it.

Question, "That those words be there inserted," put, and *agreed to*.

Words *inserted*.

Amendment proposed,

To leave out the words "but, if occasion shall arise for repressing or preventing disorder, Mr. Speaker, or the Chairman of a Committee, may direct their exclusion from any part of the House."

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Main Question, as amended, put, and *agreed to*.

*Resolved*, That if, at any sitting of the House, or in Committee, any Member shall take notice that strangers are present, Mr. Speaker, or the Chairman (as the case may be), shall forthwith put the question that strangers be ordered to withdraw, without permitting any debate or amendment: Provided, That Mr. Speaker and the Chairman may, whenever he think fit, order the withdrawal of strangers from any part of the House."

VOL. CCXXIV. [THIRD SERIES.]

# FRIENDLY SOCIETIES (*re-committed*) BILL.

(*Mr. Chancellor of the Exchequer, Mr. Secretary Cross, Mr. William Henry Smith.*)

[BILL 169.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed. "That Mr. Speaker do now leave the Chair."—(*Mr. Chancellor of the Exchequer.*)

COLONEL BARTTELOT, in rising to move—

"That no legislation with regard to Friendly Societies can be deemed satisfactory which does not provide in some way for compulsory registration and audit and for the gradual introduction in all cases of a properly calculated scale of contributions,"

said, he did not make this Motion out of any disrespect to his right hon. Friend, nor to stop the progress of the Bill; but he had placed the Resolution on the Paper because he was convinced that any measure dealing with such great interests should be stronger than the Bill now before the House or the question should be left alone. He thought the Chancellor of the Exchequer had been more or less "sat upon" by the great Societies, and had thus left entirely out of view the case of the smaller Societies. But the subject was one which materially affected the working-classes. The debate on the second reading was a weak and half-hearted debate, but as far as it went it tended to show that something should be done by legislation to put a stop to the frauds which had been practised on the working-classes in connection with these Societies for a long time past. That was the view of the Secretary to the Treasury. The Chancellor of the Exchequer said that 4,000,000 of people were directly, and 4,000,000 indirectly, interested in these Societies, and that the money subscribed by them was between £11,000,000 and £12,000,000; and he described it an heroic effort on the part of the people to save themselves from the degrading effects of the Poor Law; but he did not see his way to any compulsory legislation. The Bill proposed to register those Societies only which were already registered, 22,000 or 23,000 in number. Since 1795 it would be found that 36,000 Societies had been registered and of these about 13,000 had failed. His right hon. Friend took no account of the unregistered Societies, of which he believed there were from 18,000 to 20,000.

within the operation of the Act. They ought, at all events, to be brought under the conditions of audit, of making an annual return of revenue and expenditure, and of adopting certified tables of contributions. Only by such means could the members know that the business of a Society was conducted on a sound and satisfactory basis. As the Bill now stood, it would leave untouched the unregistered Societies, which the Royal Commission recommended in their Report should be dealt with in such manner as would compel them to register.

MR. BEACH said, he believed that the Bill would confer great benefits on a very deserving section of the community, but he wished that its scope had been more comprehensive. It laid down excellent regulations for the Societies which it proposed to regulate, but it did not interfere in the slightest degree with the smaller and unregistered Societies. They were often founded on an unsound basis, and their scale of contributions was so calculated that, unless they obtained fresh members, they necessarily became insolvent. These unsound Societies attracted members by the smallness of their payments, and thus prevented persons from belonging to Societies which demanded a sufficient scale of contributions. Many of these Societies were recklessly broken up. If they were registered and came under the Bill they could not be broken up without obtaining the consent of five-sixths of their members; but as long as they were unregistered there was nothing to interfere with them. It was very hard, indeed, upon these poor and ignorant persons who had been enticed to become members of such Societies, and who contributed their hard earnings to the funds in the expectation of having a provision in time of need for themselves and their families, that their hopes should be liable to be destroyed through want of proper supervision. With regard to the village Societies, he feared that unless some measure was framed to show their actual state the members could not be brought to believe that they were in an insolvent condition. Those who managed them had no inducement to allow the truth to be known, and the members could not of themselves discover their actual condition. There was great reason to apprehend, from passages in the Blue

Book, that an injudicious administration of out-door relief by the Poor Law Guardians was acting injuriously on these Societies. When the labouring classes were allowed to entertain certain expectations of relief from the Board of Guardians they had no inducement to lay by a portion of their savings for old age.

MR. W. E. FORSTER said, he thought the House was much indebted to the hon. and gallant Member for West Sussex for introducing this discussion. He had told them very clearly that this Bill did not, after all, meet the evil which of all others it ought to meet. What had brought this question so strongly before the country, and had at length induced the Government to take it up, was to a great extent the state of the small clubs and Societies throughout the Kingdom, many of which, though originally established with the most praiseworthy motives, were very unsound and in a state almost to insure the loss of the subscribers' money. Now, he knew nothing which would induce hard-working men and women to lay by a portion of their earnings so much as a feeling of security and confidence in doing so; and it was because they had not that security and did not feel that confidence at present that a Committee had been appointed and Bills had been brought in. But he very much doubted whether the object would be attained by the Resolution proposed by the hon. and gallant Member. If the hon. and gallant Member went to a division, much as he sympathized with his object, he did not know that he should vote for the Resolution as it stood. In the first place, he supposed it would destroy the Bill, for he did not imagine that the Bill could at that stage be remodelled to the extent of compelling Societies to be registered—the Bill must therefore be laid aside for this Session. But the Government next Session, might give them a Bill which would really effect this object. But when it came to the question whether they should pass a law compelling registration he must ask how were they to deal with societies for not complying? They could not make it a crime if men would break the rules of actuaries, as if they broke the laws of the land. All they could do was to ignore them and give them no privileges. He hoped the Chancellor of the Exchequer would let

*Mr. W. Holms*

them clearly understand, before going into Committee, the exact position of an unregistered Society, to what extent, if any, they would give privileges to such Societies, and how far they would give them a legal status. Would registration alone be effective? They must remember what the hon. and gallant Member (Colonel Barttelot) had stated as the effect of the letters he had received—that registration of legality without guaranteed solvency would do more harm than good. He understood the principle upon which the Chancellor of the Exchequer had framed his Bill to be to tempt Societies to register. But to tempt them to register there must be an inducement to do so. Now registration was an acknowledgment by the State; and an acknowledgment by the State which did not give real security would do no good, and was very likely to do a great deal of harm. In this respect the present Bill was, he thought, less effective than the Bill of last year. The Chancellor of the Exchequer stopped short, too much impressed by the depositions which had been brought to bear upon him. He had not gone so far as he ought to have gone as Chairman of that Commission, which had so thoroughly gone into this subject. What they should demand from these Societies as the requisites for being considered anything like secure associations for the investment of savings were—first, safe tables; and, secondly, sound management. If they did not deal with these Societies in a considerate way they would do harm, and he believed the Chancellor of the Exchequer was anxious to aid by legislation in placing them on a secure basis. The Government might offer good tables and force the officers of the Societies to give information to the public and to the Department looking after them as to their position from time to time, so that subscribers might know that it was safe. And here he might remark that the Manchester Union by taking these very measures had greatly improved their financial condition and extricated themselves from a position of great difficulty. The first of these things the Bill did—it provided that the Government should offer to any Society that would take them tables calculated upon a sound basis; but it seemed of even more importance that they should compel information to be given to the members of such Societies. Here the

Chancellor of the Exchequer had stopped short of what he ought to do. No doubt there was to be a quinquennial valuation; but who was to be the valuer? He was to be appointed by the Society. The whole advantage of such a valuation would be neutralized unless they insisted that the officer should, through the Government, be responsible and fit for his office. Then came the other requisite—a sound and an honest management of the Society from year to year. That depended mainly on the accounts, and the accounts mainly depended on their proper audit. Here, again, the Chancellor of the Exchequer had done far less than he ought to have done. If the audit was to be conducted by men appointed by the Societies, with no check upon them from without, we might as well not demand any audit whatever. Such a sham provision for an audit not only would do no good, but might cause the Bill to do great harm. These persons who had it in their power either intentionally or ignorantly to lead on these Societies in the “road to ruin,” should be placed under independent check; care should be taken that the persons appointed auditors and managers should be independent of influence and favour, and well fitted for the duties of the office; and the accounts of the Societies should always be subjected to an independent audit. If the Societies did not comply with the requisition for a real audit and valuation, why should they be registered at all? The chief privilege which a Society gained by registration was the status it conferred, and, therefore, it was the duty of Parliament to attach to registration real and substantial conditions. This cast a great responsibility on Parliament—they ought to see that no Parliamentary or Government sanction was given to Societies which did not provide for a real *bond fide* valuation and audit. If the alterations he had indicated were not made, he thought the right hon. Gentleman ought to restore that clause which, in the Bill of last year, stated that registration should not be taken to imply that the rules were legal or that the Society was established on a sound basis. He was not surprised at the right hon. Gentleman having omitted these words, because they appeared last year to be a condemnation of his Bill. If, however, the right hon. Gentleman did not desire the audit to be a real one, it

would be hardly just to the working people now to omit those words which explained that he was giving no real security by registration. Whatever might have been the number of deputations from Societies which had waited on the right hon. Gentleman, he believed he would be supported in these Amendments in the direction of increased stringency by the larger Societies. The Odd Fellows in his own borough (Bradford) appeared to be quite in favour of amendment upon both the points he had mentioned, and he thought it would be found that this was the case among the Odd Fellows throughout the country. It would be for the convenience of the House if the right hon. Gentleman would state in a few words the extent to which the Bill had been altered by re-committal—for it was not easy, in comparing the two Bills, to ascertain what were the principal alterations.

THE CHANCELLOR OF THE EXCHEQUER said, he was afraid he could not say more than that he did not think that the alterations made on re-committal were of any great consequence. The alterations which had stood on the Paper in his own name had now been adopted into the Bill; and, in like manner, many Amendments which had been suggested by hon. Members, and of which he approved, had been introduced into the measure. He thought the most important of these improvements was one giving greater freedom in the investment of funds. He agreed with the right hon. Gentleman opposite (Mr. W. E. Forster) in thanking his hon. and gallant Friend the Member for West Sussex for having given to the House an opportunity for the present discussion. Considering how long a time had elapsed since the Bill was read a second time, it was right that before going into Committee—if they did go into Committee—something should be said about the principle involved in the measure. He could not complain either of the tone or the substance of the remarks which had been made in the course of this brief debate. With the objects, the wishes, the aspirations—if he might so term them—of those who had spoken he most cordially sympathized and agreed. To a very great extent almost everything which had been suggested had at one time or other passed through his own mind; and he had been brought—un-

willingly in some cases—to the conclusion that we could not at present go much, if at all, further than the Bill as it now stood. His hon. and gallant Friend (Colonel Barttelot) had said that if the Government could not make the Bill stronger they had better let the question alone. As he could not accept the Amendment, if his hon. and gallant Friend induced the House to accept it the Bill would drop. He doubted whether this would be a satisfactory result. It was not correct to say that the present Bill owed its origin to the complaints which had been made with regard to the management of the small Societies. No doubt, that was an element in the case, but there were a great many other reasons—the Bill was the result of many causes, which led in the first instance to the appointment of a Royal Commission. He would mention some of the real objects of the Bill, because he thought the popular mind had not sufficiently considered them. One of the great objects of the Bill was to establish the status of the Friendly Societies. Ever since the right hon. Gentleman the Member for the University of London, when Chancellor of the Exchequer, brought in his Bill, which was not carried, to abolish registration altogether, these Societies had been under a reproach and uncertain as to what their status might be; and the consequence was that a great deal of dissatisfaction existed. This uncertainty had led some Societies to advocate an absolute discontinuance of all connection of the State with them. Others maintained that they ought to be turned into joint-stock companies. Others, again, held that it was the duty of the State to undertake the business for which Friendly Societies were established. By the present Bill a good many amendments in the existing law were proposed, of a nature tending to remove that dissatisfaction; and if it was not passed, and Government were unable—as he feared they would be—to bring in a measure which would please his hon. and gallant Friend, the present system would remain, with all its blots made patent. One object of the Bill was to put a stop to the system by which unregistered Societies, by merely depositing their rules, acquired important privileges. It was proposed, moreover, to unite the three registries at present existing for

*Mr. W. E. Forster*



the different parts of the United Kingdom, so that in future there should be one only. The present plan gave rise to much inconvenience, and even to positive injustice. It was intended also to give an appeal from decisions of the Registrar. Then it was proposed to give greater facilities to affiliated Societies. These Societies were doing the best of the work. They were the standard-bearers in the great reforms which were being accomplished, and but for them the cause of the Friendly Societies would have been in a much more backward condition than it was. Much inconvenience was caused to the affiliated Societies by the requirement that every separate branch should be registered. In this respect, and in others, it was intended to improve their position. It was proposed also to require additional returns and to enforce valuations. In Committee it might be found possible to go still further in this direction; but, however that might be, there could be no doubt that the provisions of the Bill went a considerable way in advance of the present system, and it seemed to him that if they could not gain their end all at once, it would be better to go step by step than to hold back altogether. What he desired was that they should endeavour to enforce that which it was practicable to enforce, and then trust to those who had the means of influencing public opinion, and of watching the Societies to give effect to the sound principles which had begun to be generally adopted throughout the country. The small Societies had been spoken of as if they were in a most hopeless state, and as if somehow, by legislation, they were to be got out of it. He did not deny that a great many of them were in a most unsatisfactory position; but it seemed to him the only way in which a remedy could be applied was by making them, and those who had the power of advising them, thoroughly aware of the facts of the case. When the facts were known, the means of getting them out of their difficulties would not be far to seek. The Manchester Unity had had the courage to look their financial position boldly in the face, and the consequence was that they had reduced a deficiency of over £3,000,000 to a deficiency of over £1,000,000, and in the course of a few years they would extinguish their deficiency altogether.

They had done that in the only way in which it could be done—namely, by increasing the contributions in some cases and by reducing the benefits in others. It was only by adopting a similar course that other Societies could set themselves right, and it was not making too great an appeal to the enlightened and liberal spirit of English Gentlemen to ask them to help in getting them out of their difficulties in the first instance, and placing them on a sound footing. The hon. and gallant Member for West Sussex had told them that the village clubs were in a bad way because they did not register. But that was not necessarily so. In the case of one local club in Somersetshire (Staple Fitzpaine), which was mentioned in the Report of the Commissioners, the clergyman of the parish (the Rev. Mr. Portman), although he had not given much in money, had given his advice and assistance to the club, and enabled the working men to conduct it on thoroughly sound principles, and many gentlemen would know what had been done at Abbot's Arm, under the guidance of the late lamented Mr. Best. Other clubs might do the same. Again, county Societies might be established, like those in Hampshire and in Wiltshire. They ought not to ask Parliament to do what it could not do. Three times in the course of this century—namely, in 1819, in 1829, and in 1846—Parliament had attempted to make solvency a condition of the recognition of Societies, and in each instance it had failed, as it would fail again if they renewed that attempt. Something had been said about pressure and about deputations. It was not because the Government had had deputations waiting on them that they had found it necessary to modify the original proposals of the Bill, but because in the course of discussion and consideration of the subject they had been convinced by argument. If the hon. and gallant Member allowed the Bill to go into Committee and would move such Amendments as would make the measure what he thought it ought to be, he would be ready to discuss with him the feasibility of those Amendments. The Government proposed by this Bill to insure greater strictness as to the valuation of assets and liabilities, to give greater facilities for checking fraud, and to enforce against auditors and others



penalties which did not now exist. There were other valuable and stringent provisions to correct one of the most flagrant class of abuses—those connected with the collecting Societies. In conclusion, because that Bill did not do everything they could wish, let them not cast it aside and say they would do nothing. They had now an opportunity of dealing with the question fully and deliberately, and if the spirit in which that debate had been conducted was an earnest of the spirit in which it was intended to consider its details in Committee, he had great confidence that a useful measure would be the result of their labours.

COLONEL BARTTELOT said, that as, after the debate which had occurred, he hoped they would be able to improve the Bill in Committee, he would not press his Resolution.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 3, inclusive, *agreed to*.

Clause 4 (Definitions).

MR. W. E. FORSTER inquired whether Life Insurance Companies came under the Bill?

THE CHANCELLOR OF THE EXCHEQUER replied in the negative.

MR. W. E. FORSTER said, that the Societies defined by Clause 8 were Societies which insured persons' lives, and that was precisely what Assurance Societies did. Would it not be advisable to have a specific declaration of what Societies came within the scope of the Bill?

THE CHANCELLOR OF THE EXCHEQUER said, that if there was any doubt as to what Societies came within the scope of the measure, he would take care to have that doubt removed. It had been suggested by some persons out-of-doors that the 30th clause included Assurance Societies; and the hon. Member for Mid-Lincolnshire (Mr. Stanhope) had given Notice of an Amendment to bring them under the provisions of the Bill. If that Amendment were proposed, he (the Chancellor of the Exchequer) should not be prepared to accept it. The 30th

clause referred only to Friendly Societies, and not to Assurance Societies. There was a small sub-section in Clause 28 which provided that the word "Society" should include all persons or bodies corporate insuring children under the age of 10 years, but that was the limit of the Bill as regarded Companies. If it was thought necessary, he would put in some definition to show that by "Societies" Assurance Companies were not intended.

Clause *agreed to*.

Clauses 5 and 6 *agreed to*.

Clause 7 (Societies with deposited rules).

MR. SALT rose to move an Amendment with the view of extending the operation of the Bill. He said that the Bill practically dealt only with a part of the Societies in the Kingdom. There were 32,000 Societies in England and Wales, and 4,000,000 persons were interested in them. This Bill from its character afforded a great opportunity of dealing with all those Societies instead of leaving a very large number of them untouched. His point was that both from the magnitude of the Societies and their character, as shown by general knowledge and the Report of the Commissioners, there was a strong case for dealing with the whole question in a somewhat stringent manner. It was very difficult to understand what the position of unregistered Societies was, and that position was so unsatisfactory that it was necessary in some shape or other that the law with respect to them should be clearly defined. Doubts had arisen as to the position of some 15,000 or 20,000 of them, and the law was absolutely inoperative in their regard. He hoped the notion commonly entertained that the Friendly Societies were to be regarded as charities was nearly exploded. They were conducted on business principles, and as other business companies were registered, there was no reason why Friendly Societies should be exempted from a regulation so necessary for the public security. We should know their name, where they carried on business, their rules, and have annual returns of their transactions. This could do the Society no harm if it were properly conducted, and would be of public benefit if it were not.

*The Chancellor of the Exchequer*

## Amendment proposed,

In page 3, line 32, after the word "Act," to insert the words "or until the society obtains a certificate, as provided in this Act for unregistered societies."—(*Mr. Salt.*)

MR. W. E. FORSTER asked the Chancellor of the Exchequer to state what would be the position of unregistered Societies if the Bill were passed in its present shape.

THE CHANCELLOR OF THE EXCHEQUER understood there was no legal difference between the position of an unregistered Friendly Society and a cricket club, or any other body of persons associated together for a harmless object, except so far as the Friendly Society might come within the mischief of the Insurance Acts. They could not sue or be sued by their officers. The object of the Bill was to take the Societies out of the position they were in under the Common Law by inducing them to come and register. At the present moment he did not think they had sufficient information to deal with unregistered Societies, as the subject was a most difficult one; and therefore he was unable to accept the Amendment.

DR. C. CAMERON thought it important that the Amendment should be pressed, for this was the most retrograde clause in the Bill. The Amendment simply insisted on these Societies registering themselves for the protection of those who invested their money in them.

MR. W. E. FORSTER did not think Parliament would be justified in giving to unregistered Societies the power of suing or being sued, or allowing them any legal status.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 27; Noes 213: Majority 186.

MR. BIGGAR moved to report Progress.

THE CHANCELLOR OF THE EXCHEQUER hoped the Motion would not be persisted in.

MR. BIGGAR said, it was now approaching 1 o'clock, and as the House was to meet again at 2 P.M., he should certainly persist in his Motion.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Biggar.*)

The Committee *divided*:—Ayes 7; Noes 209: Majority 202.

Clause *agreed to*.

Clause 8 (Classes of societies).

MR. MACDONALD moved to leave out the words "the funeral expenses of."

THE CHANCELLOR OF THE EXCHEQUER could not assent to the Amendment. Members were allowed to assure their own lives, but it was against the policy of the law to permit them to assure the lives of others unless they had an assurable interest in them. A special exception was, however, made to meet the case of the funeral expenses of a member's family.

Amendment *negatived*.

SIR HENRY HAVELOCK proposed, page 4, line 15, to leave out "£15" and insert "£30." The former was the amount to which workmen might assure their tools against fire, and he understood that in the case of some trades, such as cabinet-makers, £15 would not cover the loss.

THE CHANCELLOR OF THE EXCHEQUER had no doubt that some workmen would wish to assure their tools for the larger amount, but they would be trenching on the ordinary business of a Fire Assurance Society if they extended the limit.

Amendment *negatived*.

MR. BROWN moved, line 19, to strike out "£30" and insert "£50."

THE CHANCELLOR OF THE EXCHEQUER opposed the Amendment.

Amendment *withdrawn*.

Clause ordered to stand part of the Bill.

Clause 9 (Limited application of Act) *agreed to*.

Clause 10 (The registry office).

MR. W. E. FORSTER moved that the Chairman report Progress.

Motion *agreed to*.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

## SITTINGS OF THE HOUSE.

*Resolved*, That, whenever the House shall meet at Two of the clock, the sitting of the House shall be held subject to the Resolutions of the House of the 30th day of April 1869.

House adjourned at half after One o'clock.

## HOUSE OF LORDS,

*Tuesday, 1st June, 1875.*

MINUTES.]—PUBLIC BILLS—*First Reading*—  
Public Health (Scotland) Provisional Order  
Confirmation (No. 3) \* (121).  
*Committee*—Church Patronage (79-122).  
*Committee*—*Report*—Military Manœuvres\* (115).

## REGIMENTAL EXCHANGES BILL.

## PERSONAL EXPLANATION.

THE MARQUESS OF LANSDOWNE said, he wished to correct an error into which he fell in his speech on the second reading of the Regimental Exchanges Bill. In quoting from the Report of the Evidence taken by the Committee presided over by his noble Friend (the Duke of Somerset), he referred to a statement that seven out of eight officers of the 43rd Regiment who were highly connected had returned from India within 18 months after the regiment landed there. He gave that statement on the authority of the late Lord Clyde, but he had since ascertained that it was contained in the evidence given to the Committee by Mr. Higgins. He had made extracts from the evidence of both witnesses, and he must apologize to their Lordships for having attributed to the one what had been said by the other.

EARL POWIS stated that of the seven officers referred to only two had returned by exchange.

## CHURCH PATRONAGE BILL.

(*The Lord Bishop of Peterborough.*)

(NOS. 12-79.) COMMITTEE.

Order of the Day for the House to be put into Committee, read.

*Moved*, That this House do now resolve itself into a Committee.—(*The Lord Bishop of Peterborough.*)

LORD HOUGHTON said, he wished to say a few words on the Bill before their Lordships went into Committee. The Bill had undergone so many changes by the Select Committee to which it had been referred that it might now be discussed as if it stood for second reading. Looking at the Bill from that point of view and as the objections he entertained to the measure were essentially objections on the prin-

ciple, he thought it would be convenient and proper that those objections should be stated before their Lordships proceeded to a discussion of the clauses. The object of the Bill professed to be to deal with certain scandals and inconsistencies which had arisen within the Church. No doubt scandals might have arisen in some small number of instances from the abuse of Church patronage, but it did not seem to him that the abuse had been so general as to call for legislative interference. If he was right in this, the Bill would have a very injurious effect in seeming to give corroboration to some of the statements made against the Established Church by those who were hostile to her. And at the present time, when it became the duty of the Church to assert her integrity, it was very unwise to direct attention to minor matters, and to invite and encourage criticism, and by treating them as fit subjects for the attention of the Legislature, to give them an exaggerated importance. It must be borne in mind that the Established Church of this country was not only a great religious but also a great State corporation, and as a great State corporation carrying with it certain conditions of secularity which were liable to be misunderstood and misconstrued if the Church were regarded from a purely spiritual point of view. It did not rest on conformity only. It was not a Church of ascetic devotion, requiring an abnegation of secular motives—for their Lordships could not forget that it was a great secular profession as well as a purely spiritual body. The Dissenting bodies were not free from these secular considerations, and in a state of society such as the present it was necessary that the clergy should have the proper means of support—and it was in the fact that the clergy of the Church of England were not dependent on chance for the means of living that we had the great security for the due exercise of their profession. No one doubted the general morality of the Church of England—there was no pretence for any accusation of a diminution of piety or morality in the Church; but it was too true that it did not maintain its social status and intellectual eminence, and it was the tendency of this Bill to accelerate that decline. There was a growing disinclination on the part of educated men to enter the Church, and it was not for

Parliament to pass a measure the tendency of which would be to diminish the comfort and well-being of the educated clergy of that Church. He objected to the Bill, in the second place, on the ground that it was an interference with the rights of property. The advocates of the measure argued in its favour on the ground that Church patronage carried with it responsibility. Of course it did; but you had no more right to take away a man's property in Church patronage than you had to take away any other class of his property. Again, he believed that in many instances a layman could administer Church patronage better than it could be administered by an ecclesiastical authority. An intelligent resident gentleman, free from professional feeling, was likely to be the best judge of the kind of clergyman who would be best fitted for the particular parish; and from his own observation he felt satisfied that, as a rule, lay Church patronage was exercised with great discretion, and under a becoming sense of responsibility by those who held it. He happened to be allied to a nobleman who had as large Church patronage as almost any Member of their Lordships' House, and he knew the care and discretion which characterized the exercise of his patronage on the part of his noble relative. That was not in any way a singular case. As regarded the sale and exchange of livings, Petitions had been laid on the Table that went even further than this Bill, for their tendency was to abolish the sale of livings altogether. Though this Bill did not go the full length of forbidding the sale of Church livings, it would go some way in that direction, and was inconsistent with legislation approved by their Lordships' House—including, he believed, the entire of the right rev. Bench. He referred to the Act of the late Lord Westbury for the sale of Crown livings, which had been most successful in its working, and under which there had been the most extensive trafficking in Church livings that had ever been known. One great advantage arising from the sale of livings was that it brought money into the Church; and the fact of a man buying a living showed that was likely to bring some competency into the Church. There were a great number of small livings, and if Parliament discouraged men from going into the Church

who were able to bring money in with them it would do her a great injury. He thought it also unwise to throw impediments in the way of exchanging livings and resignations;—if the Bill had gone in the way of diminishing these difficulties, he would gladly have supported it. There were at present frequent family arrangements by which a family living was reserved until the person for whom it was intended had been fitted by age and education to take it—an efficient *locum tenens* being in the meanwhile appointed. Such a person was usually best fitted to meet the social and religious requirements of the locality; but this Bill discouraged all such arrangements—he thought to the injury of the Church. He entirely disapproved the proposition of the right rev. Prelate (the Bishop of Peterborough), which would give the Bishop a veto as to the institution of the incumbent which hitherto had never been possessed. By means of this proposal a certain form of inquisition would be set up in parishes, and scope would be given for the exercise of party feelings and private animosity. Private and sectarian animosities would be sure to break out in the most offensive manner; and the result would be that the candidate's character would be utterly destroyed; he would not be instituted to the benefice, or, if instituted, a party would have been already constituted in his parish which would impede him from the first moment of his administration, and disturb his comfort and his good relations with his other parishioners. It was urged in favour of the proposed change that at present the Bishop was placed in an unfortunate position, because he could not refuse to institute a clergyman without exposing himself to the consequences of libel or scandal; but he believed that if they thought they would put the Bishop in a better position by encouraging a sort of supervision of the clergyman by persons who, in all probability, would be very incompetent for the task they were very much mistaken. He ventured to think that if the Bishop acted on vague information, he would place himself in an intolerable position, and one from which he would not be able to withdraw with honour or credit. Their Lordships ought to give this fact their serious consideration—that a principle recognized by the Church of Eng-



land was to regard every clergyman as a fit man for an incumbency from the moment of his ordination. Protection against the admission to the ministry of men unfitted for it was quite right, and the Church of England had a good and intelligible form of securing it; but after a man was ordained they had no more right to subject him to suspension and supervision than they had so to act with any other member of the community. The Church of England owed her strength to the full co-operation and sympathy of the laity. She mixed herself up with the social and political movements of the laity. It was for that the right rev. Prelates were sitting in their Lordships' House. It was because the Church of England recognized the lay element that she was something besides a great religious sect; and he hoped that she would continue to maintain her position as an important corporation of the State.

VISCOUNT PORTMAN thought it would be more convenient to defer his remarks until their Lordships were in Committee, when he intended to take the sense of their Lordships upon several Amendments, of which he had given Notice; reserving to himself the right to divide against the Bill on a future stage, if he should not succeed in inducing their Lordships to adopt the Amendments. He had presented a Petition from about 300 clergymen against the Bill, and meant to do his utmost to further their wishes.

THE BISHOP OF LONDON said, it had long been the custom of the Bishops to require of a candidate presenting himself for institution to a benefice, testimonials signed by three incumbents, and countersigned by the Bishops of the dioceses in which they were beneficed; but as the House of Lords had held that there was no legal right on the part of the Bishops to require testimonials to be so countersigned, it was necessary to give the Bishop who was called upon to institute some further security for the fitness of the candidate than testimonials not so countersigned would afford. Testimonials were often given through good nature, in cases where they ought not to be given. He hoped that the original words which made these countersignatures necessary would be restored, for they were, in his view, far greater safeguards than any veto.

*Lord Houghton*

Motion *agreed to*; House in Committee accordingly.

Clauses 1 to 3 *agreed to*.

Clause 4 (Abolition of donatives).

VISCOUNT PORTMAN moved the omission of the clause. Donatives were private property granted to the original donors by royal grants in return for the building a church, endowing the parish, and making a separate district. The parties fulfilled their obligations, and though some called a donative a privilege, he contended it was as much a property as any other estate that was duly paid for. Moreover, he believed the number of donatives was less than 100, and the owners of the most of them were as honourable and good men as the Bishops who wanted to take away their rights, be they those of property or of privilege, for so many or for so few as the Bishops might prefer to describe them, wrong should not be done. In every private Bill where any property was taken, the greatest care was taken by the Standing Orders to protect the owners from injustice—and in no instance that he was aware of had Parliament taken away the property of an individual without notice and without compensation. Whatever abuses might exist in connection with donatives, they were of a very limited character; but here, because in perhaps some half-dozen of instances—the number might be a few more or it might be less—there had been an abuse of this patronage, it was proposed to take it away from everybody who possessed it. Let wrong be dealt with in another way than by doing injustice. It was inconsistent of the Government to support the proposition before the House, because in a measure for dealing with the Bishopric of St. Albans they were giving their sanction to the principle which the clause would abolish. He hoped the noble Marquess (the Marquess of Salisbury), who in the case of the attacks on Endowed Schools had been the champion of private property, would resist the attack made on it in this case.

Moved to omit Clause 4.

THE MARQUESS OF SALISBURY said, he felt the full force of the appeal in favour of private property made to him by his noble Friend, and as far as the principle put forward by his noble



Friend—that the Legislature should not take away private property without compensation—affected the general principle of the Bill he owned that he felt considerable doubt and apprehension. To that portion of the measure which gave the Bishops larger control over candidates for institution to benefices he did not object; but that part of it which was directed to the hindering of persons from purchasing livings, though attractive, did not, when it came to be examined, stand the test of close investigation. Of course, everything in the way of purchase seemed to be repugnant to spiritual objects; but if a man was drawn by his own feeling to take a part in the Christian ministry the only two means by which he could obtain an independent position in the Church—for such a position was not occupied by a curate—were purchase and favour. He might obtain it by either of those means. It was obvious that in this country there was a feeling against obtaining anything by favour. That feeling was growing day by day. They knew there was a powerful feeling in some quarters against obtaining anything by purchase either, and that his noble Friend opposite (Viscount Cardwell) took a violent step a few years ago with regard to the purchase of posts in the Army. But undeniably there was a growing feeling in this country against obtaining any pecuniary advantage by favour. At present persons who were anxious to take a part in the Christian ministry, and to do so in an independent position, could effect that object by purchasing a living. If they were shut out from that means, and if they shared in the growing dislike of favour, what other was open to them? This Bill, he was happy to say, would not entirely stop up that way to an entrance into an independent position in the Church—if it did, he would not have agreed to the second reading; but it did tend in that direction—though not to such an extent as altogether to destroy the advantages that might be derived from it. He felt that he was addressing an unsympathetic audience, and that the general sentiment in their Lordships' House was against the purchase of livings in the Church; but he believed that the abolition of such purchase would close the door against some of the most valuable incumbents in the Church. So much as to the general principle of the Bill. As

to the Amendment of his noble Friend' and the appeal he had made to him to support it, on the ground that the abolition of donatives would be similar to the confiscation of private property without compensation, he would remind him that there was no analogy between the two cases. The objection urged against donatives was that they had been used as "warming-pans." What was proposed to be taken away by making donatives presentative benefices was something accidental and irregular which had become attached to the patronage itself in the course of time. The patronage itself was property combined with a trust, and he thought it was open to Parliament to make any provision it thought fit with the view of securing that the trust should be more properly administered. In dealing with donatives in the manner proposed Parliament would not take away anything that was a part of the original property in patronage. He could not accept the analogy which the noble Lord had attempted to institute between this case and that of the Endowed Schools.

LORD ARUNDELL OF WARDOUR said, he doubted whether the true history of donatives had been given. In some cases, as stated, they might have been the creations of the Royal Prerogative with a view to a particular trust; but in many others, and in the instance to which he was going to refer, he believed that the right arose out of the old ecclesiastical arrangements of the country, and in this way—Previous to the time of the Reformation these parishes were out of Episcopal jurisdiction, and the particular jurisdiction to which they belonged being then abolished, they absolutely lapsed to the lay impropiator. He moreover denied that the proposition that a donative "was not only a property but a trust" was applicable to his case. He happened to be the proprietor of a donative in the county of Wilts, which had been purchased by one of his ancestors in 1595, like any other property, in the open market. Being Roman Catholics, however, his family had—very reasonably, from a Church of England point of view—been debarred from exercising the right of presentation, and what remained was, therefore, only the right of property in the benefice. Under these circumstances his right could not properly be termed a trust. He must,

therefore, protest against the arbitrary conversion of donatives into presentative livings, which in the case of Roman Catholics meant simply confiscation of their property. No doubt many of their Lordships, believing the abolition of donatives to be in the interests of their Church, would willingly acquiesce in the surrender of such rights; but in the case of a Catholic proprietor who had no such motive—indeed, no compensating inducement at all—it was simple confiscation, and it was to affirm the principle of confiscation for the first time in modern legislation—for the 18th clause of the Irish Church Bill expressly gave compensation to all patrons whose rights were “affected” by its provisions. It was a small matter so far as he was personally concerned; but he could not help asking their Lordships, and more particularly the Episcopal bench, to pause before affirming this principle—“*Hodie mihi cras tibi.*”

THE BISHOP OF PETERBOROUGH said, he had some difficulty with respect to this clause, inasmuch as he was called upon to reply, not only to the speech of the noble Viscount who moved the omission of the clause (Viscount Portman), but also to that of the noble Lord opposite (Lord Houghton), which ought to have been delivered upon the second reading of the Bill rather than in Committee. Dealing with the latter speech, in the first place he wished to take that opportunity of declaring that there was not the slightest foundation for the charge which had been brought against him of having been animated in introducing this Bill with a feeling of hostility to lay patronage. So far from that being so, he had frequently expressed his desire that lay patronage should be preserved in its integrity, and it was with a view to its continuance that he sought to reform any abuses in the system which might peril its existence. As an evidence of the opinion of the clergy upon the measure he might refer to the number of Petitions that had been presented by them in favour of this measure. The principles of the Bill were identical with those that had received the sanction of both Houses of Convocation, and had been supported by nearly the whole body of the clergy. He must remind the noble Lord (Lord Houghton) that the laity did not consist wholly of lay patrons, and that it was the interest

of the laity in every parish in the Kingdom that good and fitting pastors should be appointed to the different livings. He believed that if the clergy of the Church of England were polled to-morrow three-fourths of them would be found to be in favour of this Bill—or, at all events, of its principle and of most of its provisions. With regard to the Petition against the measure signed by 300 of the clergy, to which the noble Lord had referred, he was happy to be able to inform him that he had heard from one of its signatories that if one particular clause in the Bill were omitted the objections of the Petitioners would be almost entirely removed. The noble Lord had laid down the startling proposition that once a man was ordained by the Bishop, no opportunity should afterwards be given for testing his fitness as a presentee—so that because a man was sound in doctrine and pure in morals at 23, therefore he must be equally sound in doctrine and pure in morals at 33, and that because he was bodily fit for the discharge of his duties at 33, therefore he must be equally bodily fit to discharge them at 93. Did the noble Lord think that clergymen were like wine and that the physical fitness of the clergy must necessarily improve as they grew older? Having thus dealt with the objections of the noble Lord opposite, he would now proceed to defend the clause against the criticisms of the noble Viscount (Viscount Portman). There were three reasons why he proposed that donatives should be converted into presentative benefices. First, because the kind of patronage attached to donatives was altogether unreasonable in principle; secondly, because it was mischievous in its practical operation; and, thirdly, because donatives could be abolished without the slightest injury being done to property and without giving ground for any fears that claims to compensation could be set up. In his opinion, the privileges enjoyed by a clergyman presented by a donative were unreasonable, inasmuch as he was not even bound to adduce proof to the Bishop that he was in holy orders, and thus the parishioners were actually not secure that the person who married them was legally empowered to do so. Again, the individual might be the best or worst man in the world, but the Bishop had no means of ascertaining his character, or of even knowing when

he came into or went out of his diocese. If it was legitimate and reasonable that the Bishop should be able to ascertain all these material facts connected with the person to be presented in the case of the 12,900 lay patrons, surely it was equally legitimate and reasonable that he should be able to do so in the case of the 100 owners of donatives. Another advantage that the owner of the donative enjoyed over other lay patrons was that the law of lapse did not affect him. The law of lapse simply required that the lay patron should do his duty by giving a pastor to the parish, and under it if the patron did not appoint within six months the Bishop appointed, and if the Bishop also failed to appoint within six months the Archbishop appointed, and in his default the Crown. The argument of the noble Viscount, on the other hand, went to the effect that the owner of a donative had a right to keep a parish without a pastor for 10 or 20 years, or for his whole lifetime, while he himself was receiving the proceeds of that donative. What the noble Viscount claimed was that the owner should have a right to shut the church door in the face of his parishioners—to say to them, “Your children shall not be baptized; your dead shall not be buried; you yourselves shall remain unmarried as long as I please to say so.” The Protestant principles of the noble Viscount were well known and much admired in the country; but, to his astonishment, the noble Viscount would inflict upon many of our parishes a worse than Papal interdict. The noble Viscount was not so much defending property as divorcing property from its duties. It was the duty of the owner of church patronage to provide spiritual ministrations for the parishioners. He might illustrate his argument by mentioning something which occurred in his own diocese. He had announced his intention of holding a confirmation in the church of one of his parishes; but it happened that the living was a donative, and the owner of the donative refused to allow him to do so in what he was pleased to call his church, and favoured him with a lawyer’s letter to that effect. He (the Bishop of Peterborough) wrote to the gentleman in question expressing a humble hope that he would be pleased to allow him to hold the confirmation; and he replied that he had no personal feeling in the matter,

that he would be happy to give him luncheon, but that as long as he lived no Bishop should hold a confirmation in his church. Why, this was the most unreasonable and wildest privilege to give to 100 out of 13,000 patrons in England. The privileges in question were mischievous in operation, and not only so for the reasons he had now given, but for those he had given in his former speech, by which he showed that they were used for the very worst purposes. He would just mention one instance. A clergyman well known to the Bishop of this diocese informed him that at present an incumbent who wished to resign his incumbency for any reason, in spite of his diocesan, had only to apply to a clerical agent, who would at once refer him to the patron of a certain donative living, who, on receiving the fee of £250, would grant that incumbent a “turn” of his living with his donative, which thereby vacated his present preferment.

“I know well,” he added, “the history and doings of this donative and the romance of simony to which it had been instrumental, and that in one twelve-month three of the above-named sums were received by the patron of it from clergymen who thereby set their Ordinary at defiance. In each case the clerical agent received his 10 per cent commission—£25.”

That was one of the crying abuses of donatives. But they were not used for those purposes only. They had the effect of directly impoverishing the benefice. The owner of a donative had been known to decline to allow an augmentation of the clergyman’s stipend from the Queen Anne’s Bounty, because had he acted otherwise he would have lost the donative, which would have been turned from a donative into a presentative benefice; and thus the clergyman was kept in poverty because the augmentation would deprive the owner of his exceptional rights. So that the thing was *contra bonos mores*. It was against public policy and the interests of the Church that it should be preserved. The noble Viscount was not much enamoured of the Bill, and therefore he was entitled to assume that whatever clause which the noble Viscount did not question he considered just and necessary. Well, but the striking out of the 4th clause would exempt the owners of donatives from those very clauses which the noble Viscount was content to leave in the Bill.



They might apply to 12,500 patrons, but for some mysterious reason 100 were to be exempt from the operation of those admittedly salutary restrictions. The noble Viscount was willing that in all cases except in the case of the owner of a donative the Bishop should have a right to inquire as to the character of a presentee and that any communication so made should be considered privileged, and so on with respect to other provisions. But he provided a loophole for escape and new and most invidious and mischievous privileges for the owners of donatives. If their Lordships would shape the Bill as the noble Viscount would have it, these donatives would become a *refugium peccatorum* in the Church—a corner of the covert in which the unclean beasts would gather together. He had given, he thought, sufficient reasons for the belief that those exceptional privileges were unreasonable and would be mischievous. He would now show that they did not, in the least, touch the question of compensation. He agreed entirely with the assertion that if you touched a man's property you were bound to give him compensation; but he entirely denied that if you took away a privilege which was exceptional and injurious to the public welfare, you were bound to give him compensation for that. The Legislature had always distinguished between property and privilege. Property was something realizable, tangible, marketable. Privilege was not. The law had repeatedly dealt with privilege without compensation. He had not heard that when the rotten nomination boroughs were done away with by the Reform Bill the owners of the estates on which they were situated received compensation. He had not heard that when Members of Parliament were deprived of the privilege of franking, of which many made a marketable value, they received compensation; nor had he heard that when clergymen were deprived of the privilege of sitting in the House of Commons the owners of the advowsons which were affected thereby in value put in a claim for compensation. He had not heard either that in the case of the owners of Welsh advowsons, dealt with in the beginning of the present reign, who had the privilege of appointing men who could not speak Welsh, when that privilege was taken away, whereby the market value of the advow-

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son was considerably narrowed, the Legislature had given them compensation. It was, in fact, impossible to assign a money value to those privileges. He asked the noble Viscount to put upon a sheet of paper what would represent the marketable increase of the value of a donative deriveable from the possibility of putting it to a bad use? What was the marketable value of the privilege of appointing a decrepit clergyman or of shutting the doors of the parish church? What was asked here was the preservation of privileges which were injurious to the public interest. But he contended that the effect of the passing of the Bill would not be to diminish by a shilling the value of donatives, but rather to increase it; because if the Bill were passed the donative living might be turned into a presentative benefice allowing of augmentation from Queen Anne's Bounty and other sources. If the owners of donative livings were allowed the privilege of shutting up the parish church and of appointing paralytic clergymen, or clergymen of the age of 95, it would be impossible to calculate the evils that might arise from such an anomalous state of things. The recommendation to abolish it was not that of the Episcopate alone. There had been two Select Committees of their Lordships' House, on which Bishops were in a very small minority, and on which law and property and rights of patrons were most largely and ably represented, and each Committee made a similar recommendation without a division. He must say that the amount of lay and legal opinion in their Lordships' House in favour of the proposition was largely in excess of the amount of opinion on behalf of the Spiritual Peers in favour of the Bill. He had shown that those donatives were, in principle, unreasonable and anomalous, and in operation mischievous and dangerous, and that they might be converted into presentative benefices without the slightest injury to property or the least violation of the principle on which the Legislature had always acted in respect of interference with vested interests. In conclusion, he entreated their Lordships not to accept an Amendment which would go far indeed to destroy the whole working value of the Bill.

VISCOUNT PORTMAN observed, that the right rev. Prelate in his eloquent

speech had assumed that he intended to do something. He, on the contrary, proposed to do nothing; his proposition being to let things remain as they now were. The right rev. Prelate proposed to confiscate property—he did not.

On Question, Whether to omit? *resolved in the negative*—Clause *agreed to*.

Clauses 5 to 11 *agreed to*.

Clause 12 (Declaration by Patron).

THE LORD CHANCELLOR said, that as the clause stood a declaration was to be made by the patron in the form provided in the said Schedule, whether the patron was a private person, or the patronage was in the Crown or in the Bishop. The declaration was against simony. But he thought that what might be simony in a private person was in official persons corruption or malversation of office, and they should be impeached. The great Officers of the Crown should hardly be called upon to declare that they had not been guilty of corruption in the exercise of their office. He moved to omit the words in line 6—

“And where the Bishop himself is patron he shall himself make and subscribe a similar declaration.”

And he proposed afterwards to add at the end of the clause—

“This declaration shall not be necessary where the Crown or Bishop is patron.”

LORD COLERIDGE said, he did not understand that the Bishops themselves objected to make this declaration, and he did not see why they should be exempted in terms; though something more might be said in reference to the great Officers of State. He hoped that there would in this respect be no distinction made between lay and ecclesiastical patrons.

THE ARCHBISHOP OF CANTERBURY believed that there was no desire on the part of the Bishops to be put upon any other footing than that occupied by other patrons.

THE LORD CHANCELLOR said, that his Amendment was hardly placed upon this ground. A Bishop as patron would have to declare that he had not received any money for the presentation since the avoidance. But suppose that he had received money before the avoidance? This would not be simony, but it would be a most serious offence on his

part to receive money for a presentation at a time when a lay patron could have received it without offence. He objected to attempting to provide against corruption in office by a declaration of this kind.

*Amendment agreed to.*

THE LORD CHANCELLOR next moved to add to the clause these words—

“And this declaration shall not be necessary where the patronage is in the Crown, the Duchy of Cornwall, or a Bishop.”

LORD HOUGHTON opposed the Amendment. If the clause passed in this shape an opinion would go forth that the right rev. Bench had sanctioned a distinction between lay and clerical patronage, to their own advantage and to the disadvantage of the latter.

*Amendment agreed to.*

On Question, that the Clause, as amended, stand part of the Bill,

VISCOUNT PORTMAN urged the rejection of the clause, on the ground that it would establish an invidious distinction between private and episcopal patronage. The Bill proposed that a patron who had disobeyed the law should be liable to punishment for misdemeanour; but the Episcopal Bench was to be exempted from the penalty. Suppose a patron had been guilty of a breach of the Statute of Elizabeth by presenting to a living a clergyman who had voted for him as a candidate for the House of Commons—that would be set up by a political opponent as a corrupt proceeding, and you would have an application to a Justice of the same side, who would hold the declaration to be false, as it would be an indirect act of simony so to present for services rendered by the Presentee, he would commit for trial, and a jury would then determine whether he had committed a misdemeanour or not. Such a man would be liable to imprisonment with hard labour because he had inadvertently committed a breach of the Statute. That was a state of things to which lay patrons ought not to be subjected, and he would not submit to it unless it was accepted by a majority of their Lordships' House.

THE BISHOP OF PETERBOROUGH said, the noble Viscount had insisted upon the injustice of making an invidious distinction; but the law as it



existed did make a most invidious distinction. It required that a clergyman should make a declaration that he had not committed simony, but a lay patron was not required to make such a declaration. At present all he contended for was the principle that this invidious distinction was not to be made between laymen and clergymen, with regard to whom the hardship, if any, was greater on account of their sacred character in the matter of simony. The noble Viscount would understand that he would not be subject to the penalty for misdemeanour unless the House consented to the other clauses.

LORD HOUGHTON trusted the House would not submit to this great invasion of the lay patron's rights. There was no more reason why a layman should be called upon to declare that he had not violated the law than any other person.

THE LORD CHANCELLOR said, he did not see how this could be regarded as an additional burden placed upon property—it seemed to him simply a question of expediency—whether you gained any useful end or avoided any evil by a declaration of this kind. No doubt, the Committee which sat on the Bill last year recommended that there should be such a declaration made both by the patron and the clergyman. He did not misrepresent the idea of that Committee, judging by their Report, when he said that they took notice that the law of simony was very intricate, full of niceties, and with many pitfalls about it, and that much would be gained if you could define what simony really meant. After consideration, the Committee came to the conclusion that it was better not to attempt to frame a new oath—that it was better to set up the clause in the Act of Parliament, and require the patron and the clerk to say they had done nothing against the Act. He owned, however, that upon thinking over the probable result of this process, he was not of opinion that the matter was made easier or less obscure than it was before, or that the declaration in the Bill was any great achievement. He hoped, therefore, that much good would result from the Bill without insisting on this declaration.

LORD SELBORNE said, that the opinion expressed by his noble and learned Friend agreed very much with what had occurred to his own mind.

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The Committee determined to alter the existing declaration, on the ground that the matter was left very much as one of legal construction. But what happened now was this:—A man went to his lawyer, and, after telling him in what stage the transaction was, asked whether he was breaking the law against simony. The lawyer examined the case with a disposition to find that the law had not been broken; and if he gave that opinion, the client thus satisfied his conscience, if he had one. The same lawyer would be consulted in the same way upon the declaration required in the present Bill, and he would give exactly the same answer. The conscientious man would then adopt the declaration as easily as under the existing law; and, of course, the unconscientious man would have no difficulty.

THE BISHOP OF PETERBOROUGH said, that after the opinions expressed by the noble and learned Lords, he should withdraw the Schedule, but he should press the proposal that the declaration now required from the clerk against simony, which he thought quite proper, should be also required from the patron. There were lay patrons not of the high character and honour of those in the House of Lords. He would mention one instance in which a clerical agent was also a lay patron.

THE ARCHBISHOP OF YORK said, the present declaration was of quite modern origin. He was a member of a Commission which, after trying to define simony, had quite failed in doing so. He saw no advantage in the course suggested by the right rev. Prelate in extorting from the lay patron the declaration required from the presentee. There must be two parties to a simoniacal bargain, and it was sufficient to require a declaration from one of them.

THE MARQUESS OF SALISBURY said, the policy of guarding laws by declarations that you had not broken the law was a policy which Parliament had not of late years adopted. On the contrary, Parliament had rather shown a tendency to repeal such declarations.

THE BISHOP OF PETERBOROUGH said, he would not press the matter on their Lordships, and would withdraw these clauses.

On Question? *Resolved in the Negative.*

*Clause struck out.*

Clause 13 (Declaration by clerk ;)—  
 Clause 14 (Proceedings on complaint)  
*omitted.*

Clauses 15 and 16 *agreed to.*

THE BISHOP OF EXETER moved, after Clause 16, to insert a new clause to render illegal the sale by auction of advowsons and of the right of presentation to a benefice, and to require them to be sold by private contract. He proposed this clause with the object of avoiding the scandal that arose in the conduct of such sales. Suppose, for instance, a sale of this kind should be held in a public-house in the parish the advowson or next presentation to the benefice of which was being sold. The patron, he contended, was an officer of the Church; and though he did not object to private patronage, he objected very much that that private patronage should be put up to public auction. Besides, when property of this description was sold by auction less care was likely to be exercised by the patron in the selection of the clergyman than if it were sold by private contract.

*Moved*, after Clause 16, to insert the following clause:—

“No advowson, nor any estate or interest in an advowson, nor any right of presentation to a benefice, shall hereafter be sold or offered for sale by public auction; and when mortgagees, trustees, or other persons in a fiduciary position are empowered or directed to sell an advowson, or any estate or interest in an advowson, or any right of presentation to a benefice, by public auction, it shall be lawful for them to sell by private contract, and by private contract only, and without being responsible for any loss to be occasioned thereby.”—(*The Lord Bishop of Exeter.*)

THE LORD CHANCELLOR said, the right rev. Prelate seemed to proceed on the idea that at a sale by public auction the vendor's object would be to obtain the highest price by any means, and of the purchaser to make the most of his purchase. But he thought that at a sale by private contract the patron would be not less pressing to obtain the highest price for his property, and certainly he saw no ground for thinking that a better man was likely to be secured as pastor if the advowson were sold by private contract than if it were sold by public auction. He would point out to the right rev. Prelate that property of this description was generally sold in public sale rooms, and not at public-houses. He did not think that it

would be right to dictate to the patron how and where he should sell his property.

Clause *negatived.*

Clause 17 *agreed to.*

Clause 18 (Repeal of 9th Geo. IV. c 94, rendering bonds, &c., for the resignation of ecclesiastical preferments in certain specified cases valid).

VISCOUNT PORTMAN moved to omit the clause.

THE ARCHBISHOP OF CANTERBURY supported the clause in question, observing that the arrangement by which a child in his cradle might be appointed to take charge of a parish when he came of age was one which ought not to be tolerated in the clerical profession, and would not be tolerated in any other. What would be said of an infant being appointed to the command in the Army when he reached a particular age? Such things had been, but, owing to the action of a sound public opinion, they had long since ceased to exist; and surely it was quite as undesirable that a youth should be designated to the future charge of a parish as that a child in his cradle should be designated as the future colonel of one of Her Majesty's regiments. It was, in his opinion, high time that an Act which tolerated such a thing should be repealed. It was in any case only a question of time, for no one could suppose that when the attention of the public was directed to the subject, such a power would be allowed to continue.

THE MARQUESS OF SALISBURY said, the real objection to the clause was that a man who possessed an advowson, and wished to create a vacancy at a definite time, if he was not allowed to do so openly by a resignation, would do it unavowedly and in a most objectionable way—namely, by appointing a man sufficiently old to make a vacancy almost a matter of certainty at the time it was required. It was a great evil; but it was not an evil in his opinion that a fit man should be appointed to a parish for a limited number of years. People were appointed to high commands in the Army for periods of five years without injury to the service, and temporary appointments were made in other professions without injurious results. In respect of the Indian service, for instance, it was the constant practice to appoint a man

to an office which he would be unable to fill for two or three years. If the appointment was an improper one, the Bill enabled the Bishop to refuse his licence.

THE BISHOP OF PETERBOROUGH said, that parishioners did not feel towards a clergyman who was to be among them for a short time only, as they would towards one who was to be their permanent pastor; nor was it probable that the temporary clergyman could take so much interest in a parish as the permanent clergyman would. When the Act of George IV. was under consideration Lord Thurlow strongly objected it on the ground of public policy—for a resignation bond might be enforced at any moment, and such a condition of things was practically injurious. The Act in question was known by a name almost too vulgar to be mentioned in their Lordships' House; but it showed what public opinion on the subject was. It was called the Warming-pan Act. He objected to it on the principle that the incumbent should not be the mere tenant at will of the patron; and further, because it opened the door for simoniacal contracts between the patron and the presentee.

THE ARCHBISHOP OF YORK supported the clause for the additional reason that the person named in the bond might be not nearly as desirable as another, and yet should be appointed.

After a few words from Lord HOUGHTON,

THE BISHOP OF OXFORD wished to say there was a growing feeling among the clergy that these resignation bonds were of doubtful propriety, and in several cases that had come under his knowledge those who had consented to sign them were afterwards troubled to know whether they had done the thing that was right. The transaction partook of a simoniacal character—a man got a living by signing a bond which he would not have had if he refused to sign it. It might not be illegal, but scrupulous men would not consent to hold livings in this manner.

On Question, That the said clause stand part of the Bill? Their Lordships *divided*:—Contents, 30; Not-Contents, 16: Majority 14.

Clause 19 (Patron may forbid the sale of presentations in certain cases).

*The Marquess of Salisbury*

THE ARCHBISHOP OF CANTERBURY said, he believed that in the first Select Committee the question of the sale of next presentations was discussed, and a proposal to make the sale of the next presentation illegal was lost by 1 vote. In the second Select Committee, of which he had the honour to be a Member, the matter was not considered, as it was thought better to leave the subject to be discussed by their Lordships' House. There was, however, this difficulty—that the Bill not only left matters exactly as they now were, and thereby affirmed *sub silentio* the practice of selling next presentations, but went further in the present clause and by implication if not distinctly legalized the sale of next presentations. It might be true that the sale had been legal from time immemorial; but it would be very difficult to produce any statutable authority by which the patron was authorized to sell the next presentation of a living in his gift. This 19th clause, however, involved the admission that the patron might sell the next presentation of his living. He now proposed what he had wished to recommend in the Select Committee—that their Lordships should consider the question of the legality of these sales or otherwise and there was, as it seemed to him, no better mode of raising the question than by moving the Amendment of which he had given Notice—that from and after a certain date, sufficiently remote to prevent any person from being injured, the sale of next presentations should be illegal. He would venture to say that, just as with regard to resignation bonds, it was only a question of time when their illegality would be declared, so the same thing might be said as to the sale of next presentations. He thought he was very liberal in allowing the term of 10 years during which they might be recognized, and prohibiting them afterward; because he had a strong moral conviction that before the end of 10 years they would be swept away altogether. He believed that there was no instance in any other profession of men to whom an important trust had been committed being able to dispose of the right of presenting to it for money. Such a right used to exist in certain offices, but it had passed away. By no assent on the part of the Church of England, but owing to a certain scrupu-

lousness as to the rights of property, the right of sale of next presentations still lingered in certain patrons in the Church of England. He did not know what distinction might be drawn between the patronage of a layman who might be lord of the manor or the proprietor of a great estate who might have Church patronage vested in him, and the same patronage when vested in a high official such as the Lord Chancellor, or in an ecclesiastic, in virtue of his holding for life a certain ecclesiastical position. And if it would be out of the question, according to the common rules of morality as now understood, that a public patron should sell his next presentation, he wished that some of their Lordships would tell him the distinction between a public and private patron in this matter. It might be said that a private patron held his patronage as a matter of property; but the fact of a trust being hereditary did not take it out of the category of other trusts. We had had great legal and other offices that were hereditary. The Justice General of Scotland used to be an hereditary officer: we had at the present time an hereditary Lord Great Chamberlain, but what would be thought of him or of some other Lord Chamberlain who, because he had succeeded to his high office and position as a matter of heirship, thought that he was justified in making a market of any office that he had to bestow in virtue of that hereditary position? No real distinction could be made between the duties which devolved upon private patrons and those which devolved on public patrons in this matter. There was a time, no doubt, when public patrons had acted in other professions in the way in which it was contended that private patrons ought to act now—no doubt, there had been times when high and important offices in Courts were more or less regarded as the property of the Judge who appointed to them. They had not to go back to the time of the great Chancellor Bacon to know that in times past there existed something similar to this in all the professions; but fortunately it had died out in all the professions but one, and that a profession in which above all others we should least have expected to find it. In that profession also it had entirely died out in reference to all public patrons; and

he did not see why private patrons should desire to retain what with one voice they condemned in all public patrons. It might be urged, as it had been, against every good reform, that it would be extremely difficult to carry your reforms so completely into effect that the law should not be from time to time evaded. Then, it was said that excellent men had been appointed to livings by the sale of next presentations. He made no doubt of that; and he made just as little doubt that in all the other great professions where such customs once prevailed, eminent and most distinguished men rose through the practices which existed in former times, and which a purer state of public opinion had since removed. He was of opinion that many patrons would be very thankful to be relieved from this disagreeable privilege—for, after all, a conscientious patron considered patronage as a trust. A conscientious man might, of course, make great mistakes in the exercise of his trust—by being misled he might appoint a man who turned out to be very unfit for the position; and the conscientious patron who made this mistake always looked on his mistake with great sorrow that he had been misled. But when he went to a clerical agent and placed his trust in his hands, he entirely divested himself, or at least tried to divest himself, of the responsibilities which as a patron devolved on him. A young man entering on life might feel a deep sense of the responsibility that had fallen on him—he was determined righteously to fulfil the conditions of his position as a landlord, and in every other way:—he happened to be the owner of the advowsons of several livings:—he fell into embarrassments, and the first thing that might occur to him to extricate himself would be to sell his next presentations at the same time that he sold his hunters. Under such circumstances, a young man would be only too glad to be relieved from the temptation of divesting himself of the deep responsibilities of choosing a fit man to exercise the cure of souls in parishes with which he was connected. He did not believe, if it were right, that it would be wise to hide any of the faults of that system under which we lived. He did not believe it would be effectual, and he was certain it would be wrong. His



view of the mode of maintaining the Church of England was this, that with an unsparing hand they should correct everyone of its abuses. This by the great majority of the people of England was regarded as one of its abuses, and he should only be too thankful if their Lordships would follow him into the Lobby, and vote that the sale of the next presentations ought to be put a stop to. The most rev. Primate concluded by moving to leave out Clause 19, and insert the following Clause in lieu thereof:—

“From and after the 1st day of January, 1867, it shall not be lawful to grant the right of presenting to any avoidance of a benefice apart from the grant of the advowson of such benefice: and any grant made contrary to the provisions of this section shall be to all intents and purposes void.

“Where the right of presenting to any avoidance of a benefice is before the commencement of this Act vested in any persons upon trust to sell the same, they may execute such trust notwithstanding anything to the contrary contained in this section.”—(*The Lord Archbishop of Canterbury.*)

THE LORD CHANCELLOR said, he could not help regretting that the most rev. Prelate had seriously proposed this Amendment. He believed that if adopted it would be entirely fatal to the Bill. It was altogether opposed to the principle on which their Lordships proceeded when the Bill was read a second time; for if there was one thing made more clear than another in the discussions on the Bill, it was the intention of their Lordships not to disturb the system of lay patronage as it at present prevailed in this country, recognizing that from that system good and not evil had resulted. The arguments of the most rev. Prelate were not against the sale of next presentations, but of advowsons. He pictured to their Lordships the case of some owner of property reduced to embarrassment compelled to sell his hunters and at the same time selling his “advowson”—then correcting himself he said, “his next presentation.” But when a man was in such embarrassment as to be compelled to sell his hunters was he likely to make much distinction between his “next presentation” and his “advowsons.” The most rev. Prelate’s whole argument was against the sale of advowsons. That was at once a departure from the principle on which the most rev. Prelate who proposed the Bill announced his intention not to inter-

fere with the system of lay patronage. The most rev. Prelate asked what difference there was between a public and a private patron. A public patron could not sell the perpetual right to present—he could not divest himself of that which reposed in him the obligation and trust of presenting to a living of which he was a trustee. But with regard to a private patron the law said he could divest himself of that trust to one who was willing to recompense him in money for that which he parted with. If that was so, where was the distinction in point of principle which made it a more heinous offence to sell the next presentation than to sell a perpetual right to present? But this Amendment would not effect the right rev. Prelate’s purpose. An enactment of that kind to stop the sale of next presentations would be perfectly illusory. How would a clause of this kind affect Roman Catholic patrons—one of whom (Lord Arundell of Wardour) had spoken early in the evening? They might not desire to let any advowson pass out of the family; but they could not exercise the right of presentation. What would they have to do except to sell the next presentation? To forbid that would be positively confiscating their property. He believed the course proposed by the most rev. Prelate would be fatal to the progress of the Bill.

LORD CAMOYS agreed with the last remark of the noble and learned Lord that if the right to sell next presentations were taken away it would amount absolutely to confiscation.

LORD OVERSTONE said, that the present system had, on the whole, worked satisfactorily, and if the Bill were sent down to the other House with a clause forbidding the sale of next presentations it would raise questions which he, for one, would be most anxious to avoid. He agreed with the Lord Chancellor that the arguments urged in favour of this Amendment were directed really against the sale of advowsons at all. It would be most dangerous to set up a new system at variance with the universal practice of the country. The right of the patron was that of presenting to the Bishop a clergyman for induction. The duty of the Bishop was to satisfy himself as to the qualifications, moral, intellectual, and physical, of the clergyman so presented to him, before he proceeded to induct him into the spiritualities of the



living. The Bill in all its clauses was directed to the one sole object of strengthening the hands of the Bishop; removing all impediments, and giving to him all necessary powers for the efficient discharge of this duty. Beyond that the Bill did not go. It left the question of Church patronage—the sale of advowsons, or of next presentations wholly untouched.

LORD BLACHFORD desired to state what, to his mind, was the difference between the sale of an advowson and the sale of a next presentation. A right of presentation was admitted to be a property incident to a trust; which trust might be broken in two ways, either when the trustee made an unfit appointment, or when he converted to his own use the monies of which he had to determine the application. In the former case the breach was of a kind which it might be difficult to deal with by mere law; the second was of a kind against which it was the special function of the law to provide. Now, the sale of an advowson was, as a general rule, the total transfer of the trust and property, and was, on the face of it, liable to neither of those objections. The sale of a next presentation was, on the contrary, in the majority of cases, a sale to a person who had in his eye a particular nominee, and who intended to pay for the presentation out of money which belonged, or ultimately would belong to that nominee. Whenever that took place, the result evidently was to charge the officer appointed, that was to say, practically, the office itself, with the payment of a sum of money to the person who appointed that officer; and thus the sale of next presentations became a machinery for effecting such a breach of trust as was most offensive to the law—the personal appropriation by the trustee—that was, the advowson holder—of the property of the *cestui que* trust, that was, the holder of the living and the congregation who were interested in his liberal maintenance.

THE ARCHBISHOP OF YORK asked the House to consider the position in which it stood with respect to this question. The right rev. Prelate who had the conduct of the Bill (the Bishop of Peterborough) when he first introduced the subject to their Lordships' notice, pointed out that there existed very great difficulties with respect to patronage.

Their Lordships, after very long discussion, granted a Select Committee, in which this proposition was in substance made; but it was lost by a majority of one at a time when all the Members of the Committee were not present. When their Lordships appointed the Select Committee it was fair to suppose that it was intended to deal with the matter which had given rise to the whole proceeding; but he did not find in the Bill anything which would limit this traffic in any great degree. He feared therefore, that they were running the risk of turning out a Bill the result of two Select Committees and of full discussion in this House, which would go far to show that this "abominable traffic" as it had been described by the right rev. Prelate himself—was quite beyond the reach of legislation. The reason why he supported the clause of the most rev. Prelate was that without it their Lordships would be making a confession of weakness to the country. The argument was that they must not deal with property at all; but their Lordships were pledged to deal with property sufficiently at least to secure the end in view. No suggestion had been made, and there was no provision in the Bill, which, without this Amendment, would have the effect of putting a stop to this traffic.

THE MARQUESS OF SALISBURY said, he thought they were getting into a difficult if not a dangerous position. There were two evils which might be brought about if the proposal which seemed to find favour with the right rev. Bench were accepted. If they succeeded in passing the clause it was possible they would only be successful in procuring the rejection of the Bill altogether at a future stage; or it was possible they might succeed in time. But if the right rev. Bench succeeded in stopping the sale of next presentations there was no reality in logic if they did not stop the sale of advowsons too; and when they had done that the next thing would be that advowsons would be abolished altogether. And were the Episcopal Bench in such a state of happy illusion as to think that they would be allowed to retain presentations when everybody else had lost them? He would vote most earnestly against this proposition; and if he had not been led to believe that there was no intention on the part of the authors of the Bill to touch

this question of next presentations he would have voted against the second reading of the Bill.

THE ARCHBISHOP OF YORK said, unless something was done to restrain the evil which caused their Lordships to embark in these debates, the Bill might as well go. There was no wish on the part of his episcopal brethren to take advantage of the present thin state of the House; but if the Amendment were carried now, it might be re-considered in a fuller House.

THE LORD CHANCELLOR said, the clause was not in the Bill, and was now for the first time proposed, the House at large not knowing of any such proposal. He hoped, therefore, that it would not be pressed.

THE ARCHBISHOP OF CANTERBURY thought it could hardly be said that the clause was proposed unexpectedly. His right rev. Brother (the Bishop of Peterborough) had spoken strongly respecting it from the first. He himself had mentioned it in the Select Committee, and he understood that the Committee agreed that he should propose this Amendment to the House, and his episcopal brethren regarded it as almost vital if the measure was to be of any real use.

THE BISHOP OF PETERBOROUGH said, that in introducing this subject last year he had spoken strongly against the sale of next presentations, drawing a broad distinction in principle between the sale of next presentations and the sale of advowsons. He had not inserted the clause in the Bill because it was not assented to by the Select Committee; but he had expressed his deep regret in this House that the clause had not been carried in the Select Committee, and had said that it would be quite open to anyone to move the insertion of such a clause; in which case, he added, he should be quite prepared to vote for it. The most rev. Primate also, in the conversation which followed the second reading of the Bill, stated that he would take an opportunity of raising this question; and therefore there had been nothing like a breach of faith—which, of course, no one imputed; on the contrary, there had been the greatest anxiety to make clear to the House that this question would in some form or other be raised. He had gathered from the noble and learned Lord that the Amendment, if adopted, would be fatal to the Bill, and this state-

ment was made on the part of those who had ample means of fulfilling their prediction. To carry the Amendment would, therefore, be tantamount to the rejection of the Bill. Now, he did not agree with the most rev. Prelate (the Archbishop of York) that the Bill as it now stood was worth nothing. On the contrary, he thought the Bill contained clauses of very great value, which would seriously check the evils connected with Church patronage. Still, having strongly expressed his opinion in favour of the Motion, he should certainly vote for it if the most rev. Primate insisted on pressing it to a division.

On Question that Clause 19 stand part of the Bill? Their Lordships *divided*:—  
Contents 25; Not-Contents 20: Majority 5.

#### CONTENTS.

Cairns, L. ( <i>L. Chancellor.</i> )	Halifax, V. [ <i>Teller.</i> ] Portman, V. [ <i>Teller.</i> ]
Somerset, D.	Chichester, Bp.
Lansdowne, M. Salisbury, M.	Arundell of Wardour, L. Belper, L. Camoyo, L. Crewe, L. Hammond, L. Oranmore and Browne, L. Overstone, L. Redesdale, L. Stanley of Alderley, L. Winmarleigh, L.
Beauchamp, E. Cadogan, E. Camperdown, E. Devon, E. Nelson, E. Powis, E. Stanhope, E.	
Cardwell, V.	

#### NOT-CONTENTS.

Canterbury, Archp. York, Archp.	London, Bp. Manchester, Bp. Oxford, Bp.
Mount Edgcumbe, E.	Peterborough, Bp. Rochester, Bp. St. Asaph, Bp. Winchester, Bp.
Bangor, Bp. Ely, Bp. Exeter, Bp.	
Gloucester and Bristol, Bp.	Blachford, L. [ <i>Teller.</i> ] Coleridge, L. [ <i>Teller.</i> ]
Hereford, Bp. Llandaff, Bp.	Lyttelton, L. Waveney, L.

Remaining clauses *agreed to*; with Amendments.

The Report of the Amendments to be received on *Friday* next; and Bill to be *printed*, as amended. (No. 122.)

## MILITIA DEPOTS AND STORES.

## QUESTION.

LORD WAVENEY asked the Under Secretary for War, Whether it was the intention of Her Majesty's Government to purchase buildings now rented for Militia Depôts and Stores, under the provisions of 35 and 36 Vic., cap. 68, and 36 and 37 Vic., cap. 84?

EARL CADOGAN replied that it was not the intention of Her Majesty's Government to purchase the buildings referred to. The whole subject of Militia Stores was under the consideration of the Government.

House adjourned at a quarter past Nine o'clock, to Thursday next, half past Ten o'clock.

## HOUSE OF COMMONS,

Tuesday, 1st June, 1875.

MINUTES.] — PUBLIC BILLS — *Committee* — Friendly Societies (*re-comm.*) [169]—R.P.; Infanticide\* [43]—R.P.

*Committee—Report*—Local Government Board's Provisional Orders Confirmation (No. 3)\* [165].

*Report*—Dover Pier and Harbour\* [84-192].

*Third Reading*—Customs and Inland Revenue\* [158]; Survey (Great Britain) Acts Continuance\* [181]; Turnpike Roads (South Wales)\* [183], and *passed*.

The House met at Two of the clock.

## POST OFFICE—POSTAL ARRANGEMENTS — LEWES AND EASTBOURNE.

## QUESTION.

MR. GREGORY asked the Postmaster General, Whether he is aware of the inconvenience sustained by the inhabitants of Lewes and Eastbourne, and of the vicinity of those towns, in consequence of the distance of the point from which their letters are delivered; and, whether he would consider what more convenient postal arrangements could be made for those towns and the neighbourhood of them?

LORD JOHN MANNERS, in reply, said, he was happy to say that arrangements had been made by which he hoped that no further inconvenience similar to that referred to in the Question of the

hon. Member would be experienced in those places.

## FISHERY HARBOURS AND STATIONS (IRELAND)—ARDGLASS.—QUESTION.

LORD ARTHUR HILL - TREVOR asked the Chief Secretary for Ireland, If a Memorial has been presented to the Lord Lieutenant of Ireland, with regard to Ardglass Harbour in the county of Down, and the necessity for improving that Harbour as a Fishery Station and Harbour of Refuge; and, if Her Majesty's Government are prepared to take any steps for the restoration of the Harbour and Lighthouse, and on what terms?

SIR MICHAEL HICKS - BEACH, in reply, said, that the Memorial in question had been for some time under the consideration of the Government. There had also been much correspondence on the subject between the Irish Government and the Lords Commissioners of the Treasury. He was happy to be able to inform his noble Friend that the Treasury had consented to include the Harbour at Ardglass in the three next harbours of importance which would be benefited by Government aid, and that the terms on which that aid would be given would be that a free grant would be made of three-fourths of the sum necessary for the construction of the harbour, provided that the remaining fourth—namely, £5,000 in that case—was raised from local sources.

## PUBLIC MEETINGS (IRELAND)—MEETING AT CASTLEBAR.—QUESTION.

MR. O'CONNOR POWER asked the Chief Secretary for Ireland, Whether he is aware that on Sunday and Monday of last week the police at Castlebar tore down two sets of placards which were posted in that town, calling a public meeting; and, if so, whether the police acted in this instance on the authority of the Government; and, if not, whether he can state to the House on whose authority the police acted; and, whether the meeting referred to has since been held; and, if so, whether it was conducted in a peaceable and orderly manner?

SIR MICHAEL HICKS - BEACH, in reply, said, that on the 22nd of May placards were posted in the town of Castlebar, calling on the men of Mayo

to assemble in their thousands to prove that they were not degenerate descendants of the men of '98, and announcing that a meeting would be held to decide on the form of a monument to be erected to the memory of the gallant Frenchmen who fell in that neighbourhood in '98, fighting for the independence of Ireland. It occurred to the local authorities that some offence might be given to the loyal inhabitants of Castlebar by placards calling a meeting in honour of French invaders who defeated a force mainly consisting of Irish Militia. Therefore, directions were given by the local constabulary authorities, and some of those placards were taken down. The matter was reported to him, and on considering the circumstance it seemed to him that the meeting was an unimportant one, and not likely to provoke a breach of the peace. On further consideration, the same opinion was entertained by the local constabulary authorities. The meeting was in no way interfered with, and it passed off in a very peaceful and orderly manner; but he was sure the hon. Member would be sorry to learn, according to the information which he had received, that neither from the number of persons present, nor from their position in society, could much hope be formed that sufficient funds would be raised to effect the object of the meeting.

ORDER—INTOXICATING LIQUORS  
(SUNDAYS) BILL.—QUESTION.

MR. FIELDEN asked the hon. Member for Hull, If he intends to move the Second Reading of the Intoxicating Liquors (Sundays) Bill on Wednesday the 2nd June?

MR. WILSON: So far as I am able, Sir, I feel anxious to afford every facility for the resumption to-morrow of the adjourned debate on the second reading of the Bill to restrain the sale of intoxicating liquors in Ireland on Sundays. Therefore, I propose to ask permission to postpone the second reading of the Intoxicating Liquors (Sundays) Bill from to-morrow, the 2nd of June, to Wednesday, the 30th of June.

MR. FIELDEN: In accordance with the Notice I have given, I beg to move that the Order for the second reading be discharged.

*Sir Michael Hicks-Beach*

MR. SPEAKER: Before the hon. Member submits that Motion I think it right to point out to him the extreme inconvenience of the course he proposes to take. It is the ordinary practice for Members who have charge of Bills to postpone the second or third reading to a more distant period, and great inconvenience would arise if Motions of this kind were interposed among the ordinary business set down for discussion.

MR. FIELDEN: Does the right hon. Gentleman rule that I cannot make the Motion after the other questions are disposed of?

MR. SPEAKER: I am not prepared to do that; but I think it my duty to point out to the House the extreme inconvenience and obstruction of Business that will ensue if Motions of this kind are to be opposed.

MR. FIELDEN: Then I withdraw the Motion, and beg to give Notice that I intend to renew it on the 30th, when the Bill comes on.

METROPOLIS—THE THAMES EMBANKMENT—HUNGERFORD SWIMMING BATH.—QUESTION.

SIR GEORGE JENKINSON asked the First Commissioner of Works, If it is with the approval and consent of Her Majesty's Government that the structure erected exactly opposite the opening to the Embankment from Charing Cross has been put up, entirely obstructing the view of the river; and, if so, on what conditions, and whether it is to be a permanent erection, and if any more such erections are to be permitted to be built on the Embankment, or along the parapet of it?

LORD HENRY LENNOX: Sir, the Question put to me by my hon. Friend consists of three distinct heads. First, my hon. Friend wishes to know if a certain structure now rising on the Thames Embankment was erected with the approval and consent of Her Majesty's Government? To that I may reply that no such consent was asked for, inasmuch as Her Majesty's Government have no jurisdiction over the Thames Embankment. The second part refers to the conditions under which this structure has been erected, and it is unnecessary for me to point out to my hon. Friend that this part of the Question would have been more conveniently addressed to the



hon. and gallant Member who is Chairman of the Metropolitan Board of Works (Sir James Hogg); but he, being unable to be present, has, with his usual courtesy, authorized me to inform my hon. Friend that the licence for the erection of the structure in question was restricted to a period of one year, and the agreement provides that the Metropolitan Board have power at any time to revoke the licence, especially if it should prove a nuisance or injury to the Embankment. With regard to the third part of the Question, whether any more such erections are to be permitted to be built on the Embankment or along the parapet of it, my hon. and gallant Friend the Chairman of the Metropolitan Board does not feel himself justified in dealing in such a spirit of prophecy as would enable me to give any definite assurance on this subject to the House of Commons.

#### PARLIAMENT—NORWICH NEW WRIT.

MR. WHALLEY, in rising to move—

“That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the electing of a Member to serve in this present Parliament for the City of Norwich, in the room of Jacob Henry Tillett, esquire, whose election has been determined to be void,”

said, he might explain that he was anxious to act with full deference to the views and wishes of the Attorney General as to any action that was to be taken in regard to the Report of the learned Judge who recently tried the Petition against the return for the City of Norwich. He might, however, state that many earnest communications had been made to himself personally; but he refrained from taking action until he was satisfied that there was good reason to believe that the interests of the constituents were likely to be prejudiced and compromised by the suspicion hanging over them of general corrupt practices. There was also another reason—namely, that a number of the honest and respectable inhabitants of Norwich were exceedingly anxious to give their verdict, on a certain question, and he presumed the House might infer what question it was from the circumstance of their having communicated their wishes to him. At all events, he thought it was a most serious thing to keep the issue of the Writ suspended when a Report had been made by the Judge who tried the

case, which was utterly inadequate to justify a general statement that extensive corruption existed. The case of Norwich was entirely different from the case of Boston. The gentleman in possession of the seat gave up the contest at an early period in the inquiry, and he (Mr. Whalley) did not see how he could be charged with general corruption, treating, and bribery. He had the highest authority for stating that there was no analogy between the case of Norwich and that of Boston. In the latter case the whole borough was examined; whereas in Norwich only two wards were gone into, and those not exhaustively. Therefore, he hoped a lenient view would be taken by the Attorney General, and that he would not enforce strictly any power or discretion he might have in the matter, so as to disfranchise an important constituency. Under those circumstances, he had ventured to place this Notice upon the Paper; but, at the same time, he was ready to acquiesce in any suggestion which the Attorney General, having regard to the convenience of the House, might make in the matter. The evidence, which was ordered to be printed, had only, he believed, been issued that morning.

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—(*Mr. Whalley.*)

THE ATTORNEY GENERAL: I must express my great surprise that the hon. Member should have brought this Motion under the consideration of the House; for, Sir, after you had taken the Chair this evening, the hon. Member came across the House to me and expressed his intention to postpone his Motion until Thursday. I left the House under the impression that he would act according to his promise; but to my surprise I was informed a few minutes ago in the Lobby that the hon. Member was rising to move the Motion which he had promised he would postpone until Thursday.

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MR. WHALLEY: I rise to explain. The hon. and learned Gentleman's statement is quite correct, but it has no application to what I did. I stated that I

wanted to make an application on a former occasion, when you, Sir, intimated that I must not rise to address the House without concluding with a Motion, and I stated that I would make the Motion with the intention of postponing it till Thursday if the hon. and learned Gentleman expressed a wish to that effect.

THE ATTORNEY GENERAL: It is within the knowledge of every Member of the House that soon after the Report was made by the learned Judge I moved that all the evidence taken in the case should be printed and laid upon the Table, in order that every Member should have the opportunity of forming an opinion upon the evidence. That evidence was only delivered to hon. Members this morning, and I am bound to admit that up to the present time I have not had an opportunity of reading it through; but it will be one of the first duties I shall have to discharge, and I apprehend that certain duties in connection with this matter will then devolve upon me as Attorney General, and I shall be prepared at the earliest possible moment to state the course which I propose to pursue.

MR. WHALLEY: May I ask the permission of the House to withdraw the Motion. ["No!"] for the purpose of bringing it forward on Thursday? ["No!"] Then, if there is a wish that it shall not be withdrawn it shall not be withdrawn.

DR. KENEALY said, he had heard the decision which the Government had come to with great surprise, and, he must add, alarm. He could hardly conceive a more flagrant violation of the Constitution and of the rights of the people than that an important constituency like Norwich should be disfranchised, even for 24 hours, without good cause assigned. He appeared as the exponent of the views of a great number of the citizens of that borough, who felt most bitterly that they had been treated unjustly by the Government, or, at all events, by the party in whose ordinary duties it would fall to move for a new Writ. An order was made by the House on the 13th of May that the evidence in the case should be printed; yet, for some reason which had not been explained, it was not placed in the hands of Members till the 1st of June. Now, considering what *The Times* newspaper and other great public establishments

could do, he could not imagine that any good reasons could be alleged for the printing and publishing of that Report occupying from the 13th May to 1st June, and he must say he thought it unfair to the great constituency of Norwich, considering the serious imputation that was cast upon some of the electors by the Report of the learned Judge, that greater expedition should not have been shown in the presentation of the Report to the House. He could, of course, hardly hold the Government responsible for what appeared in what was called "the usual channels of information;" but undoubtedly a fortnight ago it was alleged in some of those Delphic Oracles which were supposed to be inspired by high authority that it was not the intention of the Government to move for a Royal Commission in this case. If he had had the slightest intimation from the Attorney General of the intention of the Government to move for a Royal Commission he should not have said a single word. For his own part, he should be extremely glad if a Royal Commission were issued, because he believed it would expose the practices of both sides in the constituency of Norwich, Whigs and Tories alike, and it would have a most salutary effect in furnishing a very great example to the world that no matter what offices certain Members might obtain by corrupt practices, a Royal Commission would unmask those practices and necessitate the removal of those Members from their offices. He should be extremely glad to hear that a Royal Commission was to be issued, but he believed no such intimation would be made; and he must therefore put it to the hon. and learned Gentleman—than whom no man stood higher in the profession—whether he was asking for a postponement and opposing this Motion with a *bond fide* intention of having a Royal Commission, or whether he was doing so to gain some Party end? He could hardly imagine that the hon. and learned Gentleman had such a purpose as that; but after the strong pressure which had been put upon the hon. Member for Peterborough (Mr. Whalley) and himself by the constituency of Norwich they could not rest until this matter was settled, as it must be within a very short time. It should be clearly understood that the citizens of Norwich, as a body, did not dread a

*Mr. Whalley*

Royal Commission, and that the Report of the learned Judge applied only to a small, contemptible, and disgraceful minority in the city. He had recently had an opportunity of experiencing what the feeling of the citizens of Norwich was. [*Laughter.*] He was pleased to afford some hon. Gentlemen an opportunity for mirth; but it would not deter him from continuing his observations, and he was assured, upon the highest authority, that no fewer than 4,000 honourable electors abstained from voting at the last election in consequence of the prevalence of corrupt practices among a small minority. He believed that corrupt practices were confined to that small minority; and it was a most serious thing to deprive a great city of the right of returning a Member to Parliament upon the mere supposition or idea that a Royal Commission was going to be issued. He repeated that he did not believe there would be a Royal Commission, and if there should not be it was a most serious tampering with the Constitution and with the rights of the people—a tampering which he was sorry to see carried on by the Ministerial side of the House, because he believed that they were more sincere guardians of the old Constitution of the country than their political opponents. He was glad that his hon. Friend the Member for Peterborough would renew this subject, and he hoped the Attorney General would be prepared then to state whether there would be a Royal Commission or not.

MR. COLMAN said, that was not a fitting time for him to enter into the question of the Report of the learned Judge who tried the Petition, and he therefore rose simply to state that, knowing, as he believed he did, as much of the views of all classes of the constituency of Norwich as the hon. Gentleman who had last spoken, or as the hon. Member for Peterborough, he had not received from any one of them any intimation of a desire to forestall in any way the decision which Her Majesty's Government might feel it their duty to arrive at.

MR. J. R. YORKE said, he scarcely thought when he saw the Notice of the hon. Member for Peterborough upon the Paper, that he was in earnest upon the subject; because after such a Report as that presented by the learned Judge, it was difficult to understand how he could

be serious, and more difficult still to understand how he could move the issue of the Writ without further comment. It must be borne in mind that the Report in one of its paragraphs concluded by the expression of opinion that there was reason to believe corrupt practices did prevail at the last election. That was the reason why the evidence was laid before the Attorney General, and why the House had ordered it to be printed, and he (Mr. Yorke) gave Notice of an Amendment because he did not think that a Writ should be issued before the House had had time to consider that evidence. The Amendment of which he gave Notice was as follows:—

“That the Writ for the election of a new Member for the city of Norwich be suspended until after the Report of the Select Committee on Corrupt Practices Prevention and Election Petitions Acts has been received by the House.”

He thought it important that, inasmuch as they had at the present time a Committee investigating those questions who were about to Report, they should have the benefit of that Report before any further action was taken upon the matter. He found, however, that that Report had that day been laid upon the Table, and with the permission of the House he would amend his proposed Amendment by leaving out the words “until after the Report of the Select Committee on Corrupt Practices Prevention and Election Petitions Acts has been received,” and substituting the words, “Until the evidence taken on the trial of the Norwich Election Petition has been considered by the House.” Inasmuch as the evidence had only been printed that morning he thought it would be better the matter should stand over for a few days, and then no doubt the Attorney General would be able to do his duty when the proper time should arrive.

#### Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “the Writ for the election of a new Member for the City of Norwich be suspended until the evidence taken on the trial of the Norwich Election Petition has been considered by the House,”—(*Mr. Yorke,*)

—instead thereof.

MR. INGRAM complained that Boston had been introduced into this question, and said it was unfair of the hon. Mem-



ber for Peterborough to insinuate that he had the authority of one of the Commissioners for saying it stood in a worse position than Norwich. [Mr. WHALLEY said, he did not name his authority.] He (Mr. Ingram) understood he had said one of the Commissioners. The words in the Report on the Boston inquiry were precisely the same as in the present case, and then he was given to understand that the Government had no option but to move an Address for an inquiry. The constituency of Boston were perfectly prepared to undergo the ordeal of a Royal Commission.

MR. HERSCHELL said, he thought it was greatly to be deprecated that, while the question of issuing a Royal Commission with reference to Corrupt Practices at Norwich was still under consideration, Members of the House should come forward and take the course which had been pursued by the Members for Peterborough and Stoke-on-Trent for reasons which were perfectly obvious. The action of those Members had been taken for the purposes of an electioneering move and in order to gain a certain amount of popularity with a section of the electors by appearing to be the only people who were the guardians of the constitutional rights of such electors. He ventured to say that not only the hon. Member for Norwich (Mr. Colman), but every Member of that House, was as anxious to preserve the constitutional rights of the electors in general and of the electors of Norwich in particular as the Member who had brought forward this Motion. It was an abuse of the position of a Member of the House to make a Motion which was obviously not made, and could not be made, in the interest of any true and just cause, but was intended solely for the purpose of furthering the fortunes of a particular candidate.

DR. KENEALY: I rise to Order, Sir. ["Order, order!"] I have always understood that it is contrary to the practice of this House to impute undue or dishonourable motives to Members, and I submit that the hon. and learned Member is now imputing such motives.

MR. SPEAKER: The hon. and learned Member has made no charge of dishonour, and is in Order in the remarks he is making.

MR. HERSCHELL said, he had no desire to say anything more upon the

point. Every hon. Member in the House knew what had been done in this matter, and he should leave them each to form his own opinion. He must, however, at least enter his protest against the time of the House being taken up with the suggestion that particular Members, and only those Members forsooth, cared for the Constitution and the constitutional rights of electors.

MR. GREGORY said, he wished it to be understood that the House by assenting to the Amendment of the hon. Member for East Gloucestershire (Mr. J. R. Yorke) was not prejudging the question of whether the Writ should or should not issue when the proper time came for considering the question.

MR. WHALLEY said, the Speaker had decided that the hon. and learned Member for Durham (Mr. Herschell) was perfectly in Order in imputing to another Member that he had made a Motion without true and just cause. The hon. and learned Member for Durham said he had simply risen to make a protest; but he could surely have made that protest without imputing wrong motives to others. He (Mr. Whalley), for his part, would content himself with a protest and with standing upon his own character and position. He protested against the hon. and learned Member's imputation of unworthy motives, and also, as far as the Forms of the House would allow him, against the rule which had enabled him to make it. He begged to declare that he had not acted from any unworthy motives. The electors of Norwich had written to him.

MR. BAILLIE COCHRANE: I rise to Order, Sir. I wish to know whether the hon. Member has the right to make another speech?

MR. SPEAKER ruled that the hon. Member was in Order.

MR. WHALLEY felt bound to say that from the communication he had received it was plain that upon a particular question the electors of Norwich had no confidence in their present Representative. Those electors desired that their own views upon this particular question should be laid before the country. Surely, then, in laying this point before the House it was too much to impute to him (Mr. Whalley) the motive of acting for electioneering purposes. The electors of Norwich had a perfect right to express their opinion upon the question referred

*Mr. Ingram*



to in their own way. He hoped the Attorney General would be quick in coming to a decision, for if there were more needless delay, as there had been, or if the law were strained by the Attorney General in order to get a Royal Commission, it might be said that the object was to prevent the citizens of Norwich from exercising their privileges in a manner not in accordance with the feelings of the majority of Members of that House. He again ventured to offer his protest against the language that had been used. He should not condescend to say any more. He maintained that he had not been actuated by any motive which was inconsistent with his position as a Member of that House.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

*Ordered*, That the Writ for the election of a new Member for the City of Norwich be suspended until the evidence taken on the trial of the Norwich Election Petition has been considered by the House.

#### FRIENDLY SOCIETIES (*re-committed*) BILL.

(*Mr. Chancellor of the Exchequer, Mr. Secretary Cross, Mr. William Henry Smith.*)

[BILL 169.]

COMMITTEE. [*Progress 31st May.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 10 (The registry office.)

MR. MELDON moved, in page 5, line 4, to leave out "an assistant," and insert "a." He said, the Amendment he proposed involved a most important question—namely, whether Ireland, for the first time with reference to the registration of Friendly Societies, was to be treated in every respect as if it was an English county. The Friendly Societies in England which sought to extend their business to Ireland were not solvent societies or societies which did a large amount of business here. It was the insolvent societies which, having exhausted their credit in this country, sought to extend their business to Ireland, and extract contributions from the working and poorer classes. He thought this Bill ought to guard most carefully the interests of the Irish people. The

proposal of the Bill was, that any society being registered in England was entitled to be registered under similar circumstances in Ireland, so that a society in Kerry wishing to get registered had only to come to England, and then it would be registered in Ireland as a matter of course. He hoped the Government would accept his Amendment.

THE CHANCELLOR OF THE EXCHEQUER said, it was from no wish whatever to centralize in England or to disregard the interest or feelings of the people of Ireland that this clause had been inserted in the Bill. On the contrary, this proposal was made mainly in the interests of the Irish themselves. It had been represented to the Government by the Assistant Registrar of Societies in Ireland, and by others, that no complaint on the part of a subscriber in Ireland to a society which was registered in England or Scotland only, and had extended its business to Ireland could be entertained, because the society had not been registered in Ireland. To remedy that grievance it was proposed by this clause that in the case of such societies separate registration in Ireland should not be necessary.

MR. MELDON objected that the right hon. Gentleman's the Chancellor of the Exchequer's arguments did not apply to the present Bill, but only to the old system. What he wanted was a separate registration for Ireland, so that Societies might sue and be sued in the country in which the monies were collected and the head office situate.

THE CHANCELLOR OF THE EXCHEQUER said, that the object of the Bill was to protect the poorer subscribers. If a company registered in England failed to get registered in Ireland, then the subscribers would have no remedy against the society.

Amendment *negatived*.

MR. SALT said, at present one at least of the Assistant Registrars must be a barrister or solicitor of seven years' standing. He thought it would be well to leave the matter entirely open, as many persons connected with the great Friendly Societies would be very suitable for this office, and yet were not barristers. He moved, in page 5, line 10, to leave out "one at least of the Assistant Registrars for England."

THE CHANCELLOR OF THE EXCHEQUER said, it was thought desirable to have a man with legal training as one of the two Assistant Registrars.

Amendment, by leave, *withdrawn*.

MR. STANSFELD moved, in page 5, line 14, after "standing," to insert the following sub-section:—

"The central office may also, with the approval of the Treasury, comprise such assistants skilled in the business of an actuary and an accountant as shall from time to time be required for discharging the duties imposed on the office by this Act."

THE CHANCELLOR OF THE EXCHEQUER accepted the Amendment, with the substitution of the words, "have attached to it" for "comprise."

MR. GOURLEY said, he hoped the right hon. Gentleman would take an early opportunity of strengthening the office, as the work was in arrear.

Amendment, as amended, *agreed to*.

MR. STANSFELD moved, in page 5, line 30, after "district," to insert "or otherwise make known." The object was to give such information as might be thought necessary.

Amendment *agreed to*.

MR. W. HOLMS moved, in page 5, line 36, section 5, sub-section (b), after "fit," to insert the following sub-section:—

"(c.) Cause to be constructed and published tables for the payment of sums of money on death, in sickness, or old age, or on any other contingency forming the subject of an assurance authorized under this Act which may appear to be calculable: Provided, nevertheless, That the adoption of such tables by any society shall be optional."

The hon. Gentleman said, he thought, in looking over the Report of the Royal Commissioners, that there was nothing more clearly brought out than the fact—that one of the principal, if not the main cause, of the wide-spread insolvency of Friendly Societies was the want of information, especially in reference to the amount of premiums to be paid in proportion to the benefits to be received. The Commissioners emphatically declared the necessity of having clear tables for the benefit and guidance of societies.

THE CHANCELLOR OF THE EXCHEQUER said, he attached very much importance to the publication of tables, and it was a matter greatly insisted upon

in the Report of the Commission. It had been omitted from this Bill because it did not appear to be actually necessary, and because there seemed to be some misapprehension on the part of members of Friendly Societies as to the animus of the Government in placing a proviso to the same effect in the Bill of last year. As the Amendment had been moved, however, he would not object to it.

Amendment *agreed to*.

MR. ASHBURY moved, in page 5, line 40, after "preceding," to insert—

"He shall also within six months after each quinquennial period lay before Parliament a copy of every valuation made under this Act, and in conformity with Clause 14, sub-section (f)."

THE CHANCELLOR OF THE EXCHEQUER said, there was some misapprehension on the question referred to by these Amendments. The Bill provided that the societies should make returns once in five years, but it would be impossible for the societies to lay before Parliament a copy of every valuation, as proposed by the hon. Member for Brighton. He thought that so heavy a duty ought not to be imposed upon the office. He would, however, consider whether suitable words might not be inserted on the bringing up of the Report.

Amendment, by leave, *withdrawn*.

MR. MELDON moved, in page 5, sub-section 6, after line 40, to add the following sub-section:—

"The registrar for Ireland shall exercise all the functions and powers by any existing Act of Parliament vested in the registrar of Friendly Societies or of Building Societies for Ireland, or in the barrister or person appointed to certify the rules of Friendly Societies in Ireland, and shall be entitled to receive all fees payable to such registrar, barrister, or person, and so that all provisions in such Acts relating to such registrar, barrister, or person shall be construed as applying to such registrar, and such registrar shall exercise all the functions and powers in Ireland by this Act given to the central office or chief registrar, which such central office or chief registrar may exercise in England."

THE CHANCELLOR OF THE EXCHEQUER said, he was afraid the words proposed by the hon. Member would cause some confusion. The hon. Member would see that there was a provision in the Bill by which the Registrar would exercise all the functions required in reference to the societies in the United

Kingdom, and as it was better that there should be only one system, he hoped the hon. Member would not press his Amendment.

MR. MELDON expressed himself satisfied with the explanation of the right hon. Gentleman, and consented to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

THE CHANCELLOR OF THE EXCHEQUER moved, in page 6, line 6, sub-section (a), to leave out from "powers" to end of sub-section, and insert—

"Now vested in the registrars of Friendly or Building Societies for Scotland and Ireland respectively, or as respects Benefit Building Societies and societies instituted for purposes of science, literature, or the fine arts, vested in Scotland in the Lord Advocate or his depute appointed to certify the rules of Friendly Societies there, or in Ireland in the barrister appointed to certify the rules of Friendly Societies there, and shall be entitled to receive all fees payable to such registrar, Lord Advocate, or his depute or barrister respectively, and so that all provisions in any Acts of Parliament not hereby repealed relating to such registrar, Lord Advocate, or his depute or barrister respectively, shall be construed as applying to the assistant registrar respectively."

Amendment *agreed to*.

MR. MELDON moved, in page 6, line 31, at end, to add the following sub-section:—

"10. All notices, requisitions, certificates, acknowledgments, returns, and documents which by this Act are required to be served, made, given, furnished upon, by, or to the central office or chief registrar shall, in the case of Societies registered in Ireland, be served, made, given, and furnished to the registrar for Ireland."

THE CHANCELLOR OF THE EXCHEQUER said, he would look into the clause, and, if possible, amend it in a manner to meet the suggestions of the hon. Member.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 11 (Registry of societies.)

MR. COWEN (for Mr. SALT) moved, in page 7, line 2, after "public," to insert—"and no society shall change its name without sanction of the registrar."

Amendment *agreed to*.

MR. SALT moved to leave out sub-section (4), which provided that—

"A society (other than a benevolent society or working men's club) should not be disentitled to registry by reason of any rule for or practice of dividing any part of the funds thereof."

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THE CHANCELLOR OF THE EXCHEQUER feared that the omission of this sub-section would exclude from registry many of the small agricultural societies. He did not say that the dividing societies were the best; but the object of the Government was, as far as possible, to leave those interested to work out their views in their own way.

MR. SALT said, that he had only brought forward the matter that those interested should know that the whole subject had been considered in all its bearings.

Amendment, by leave, *withdrawn*.

MR. W. HOLMS moved, in page 7, section 4, at end, to add—

"Provided that a separate fund, supported by a separate contribution, shall be kept for that purpose, and no division shall be allowed from any funds subscribed for any other purpose named in the objects of the society, unless upon an actuarial examination there is proved to be a surplus of assets over liabilities."

The hon. Member explained that the object of the Amendment was to prevent Societies from dividing their funds without keeping in hand a sufficient amount to meet existing liabilities; and such a provision was necessary for Societies which were dividing Societies and Friendly Societies at the same time.

Question proposed, "That those words be there added."

SIR HARCOURT JOHNSTONE said, the right hon. Gentleman the Chancellor of the Exchequer would show great kindness if he would accept the words of the hon. Member for Paisley, and allow them to be inserted in the Bill.

MR. E. STANHOPE opposed the proposal on the ground that an increase in the number of dividing Societies would prove an evil rather than a good, particularly in the rural districts. He hoped the right hon. Gentleman the Chancellor of the Exchequer would not accept it.

MR. MORGAN LLOYD proposed to omit from the Amendment the words "unless upon an actuarial examination there is proved to be a surplus of assets over liabilities" so as to leave it open to distribute any separate fund.

THE CHANCELLOR OF THE EXCHEQUER said, that by the proposed Amendment the Government would be incurring a greater amount of respon-

sibility than it was desirable they should incur. The spirit of the proposed legislation was to set these Societies as free as possible to manage their own affairs.

MR. E. STANHOPE said, an objection to the Amendment was that there would be three or four separate funds, and that it was possible that a division might take place from the fund set apart for that purpose, at a time when the benefit funds were quite unable to meet the claims upon them.

MR. W. E. FORSTER said, that in the case of dividing Societies there was great danger that sufficient funds would not be left for the benefit of those who might require assistance.

THE CHANCELLOR OF THE EXCHEQUER said, such Societies would be formed upon a principle that would prevent danger.

MR. MUNTZ said, he thought an Amendment of this sort was necessary, because it frequently happened that in consequence of the funds of a Society having been distributed among its members, a person who had contributed to it for many years could not get a farthing from it in his old age. He asked the Chancellor of the Exchequer to consider the point, and bring an Amendment on the Report.

MR. DODSON suggested that this Amendment should be withdrawn in favour of the next, which stood in the name of the hon. Member for Lincolnshire (Mr. E. Stanhope)—namely,

“Provided the rules thereof, in the judgment of the registrar, contain satisfactory provisions for meeting all claims upon such society existing at the time of division before any such division takes place.”

SIR SYDNEY WATERLOW opposed the Amendment. Many of these Societies did a great deal of good by dividing their funds among the members. After a division of its funds, it was open to a Society to begin business again.

MR. W. HOLMS, in replying, contended that if the keeping of a separate fund to meet demands on a Society in respect of sick members and for funeral payments were not made compulsory, the evils which had occurred from want of funds for those purposes would occur again. A large portion of the members of Friendly Societies throughout the country were desirous that his Amendment should be adopted. They wished that all Societies which

were registered should be made as safe as it was possible to make them.

THE CHANCELLOR OF THE EXCHEQUER said, that after having listened to this discussion, he was of opinion that it would be most dangerous to attempt to lay down any restrictions and regulations on the subject, which, after all, might not be found to fit many cases. He quite agreed with the hon. Gentleman (Mr. W. Holms) that it was desirable these Societies should be safe; but it was not the business of Parliament to make them safe.

Amendment proposed to the proposed Amendment, to leave out from the words “a separate fund” to the word “and,” inclusive.—(*Mr. Morgan Lloyd.*)

Question, “That the words proposed to be left out stand part of the proposed Amendment,” put, and *agreed to*.

Question put,

“That the words ‘Provided that a separate fund, supported by a separate contribution, shall be kept for that purpose, and no division shall be allowed from any funds subscribed for any other purpose named in the objects of the society, unless upon an actuarial examination there is proved to be a surplus of assets over liabilities,’ be added after the word ‘thereof,’ in page 7, line 5.”

The Committee *divided*:—Ayes 155; Noes 200: Majority 45.

MR. E. STANHOPE, who had a Notice of Amendment on the Paper—namely, in page 7, line 5, at end, to add—

“Provided the rules thereof, in the judgment of the registrar, contain satisfactory provisions for meeting all claims upon such society existing at the time of division before any such division takes place,”

said, that after the discussion which had taken place, he was willing to leave the matter in the hands of the Chancellor of the Exchequer, who would, he hoped, bring up words on the Report to secure the object which he had in view.

MR. COWEN said, if the hon. Member declined moving his Amendment, he would do so, and accordingly moved the insertion of the words.

THE CHANCELLOR OF THE EXCHEQUER said, he did not wish to renew the discussion, as he had nothing further to say on the subject.

LORD ESLINGTON represented the division as taking place at the very time when there was the greatest demand



upon the sick fund, and with the object of excluding them from participating in it. He regretted that the right hon. Gentleman could not see his way to accept it.

THE CHANCELLOR OF THE EXCHEQUER said, the Amendment was taken from a Bill of his own, which he had withdrawn, because it introduced a principle which he did not wish to see introduced into legislation upon the subject. He wished, however, to meet the general feeling of the House, and although he could not accept the Amendment, he would endeavour to provide that the rules of each Society should contain a distinct provision, showing in what way the division should be effected, and what provision should be made with respect to other claims, and that the accounts should be kept in such a manner as to show how the division of profits had operated.

MR. DODSON said, he thought the words of the Amendment were open to the objection that they suggested something like a Government guarantee.

Amendment, by leave, *withdrawn*.

MR. SALT moved, in page 7, line 12, after "registry," to insert—

"And within five years after the passing of this Act every registered Society shall adopt tables for payments in sickness or on death, certified by an actuary approved by the registrar."

His object was that all registered Societies should, within five years, be compelled to adopt tables certified by some competent actuary—a provision which, as far as it went, would be an assurance that the Society was founded on sound principles, and a provision also which would inflict no hardship, as its adoption was one of the first steps which must be taken by any Society that was trying to emerge from its difficulties.

THE CHANCELLOR OF THE EXCHEQUER said, he could not accept that Amendment without altogether departing from the principles on which they had proceeded in regard to that Bill. If they adopted the Amendment, they would be giving something very much in the nature of a Government guarantee to Societies registered under the Act. All previous experience was against such attempts. It might be said they were doing that in respect to a particular class—namely, annuitants, by obliging the Societies to submit tables certified

by a competent actuary. But annuities were easy matters to reduce to actuarial calculation, and so also were death-rates; whereas, in regard to sickness tables the case was different, and experience showed that they were not in a position to devise tables which they might force the Societies to adopt, or which they could hold out as giving what might be called an absolute security.

Amendment *negatived*.

MR. MELDON moved, in page 7, line 29, to add—"If the registrar for Ireland refuses to register the Court of Queen's Bench at Dublin." The Amendment, he said, did not interfere with the principle of the Bill; but he thought the proposal he made was very much better than sending the appeals from Ireland to the Chief Registrar in England and then to the Queen's Bench in England.

MR. MACDONALD said, that in the case of Scotland he was in favour of the appeal being made to the Court of Session instead of to a Law Court in London, because it would save expense.

THE CHANCELLOR OF THE EXCHEQUER said, he thought it would be a pity to break up the system provided in the Bill, the object of which was to secure uniformity of decision in these cases throughout the United Kingdom. If the first appeal was left to the local Courts there might be conflicting decisions. In special cases an appeal would lie in Scotland and Ireland to the tribunals of those countries.

MR. MELDON rejoined that if that argument was worth anything it meant that the Courts of Ireland should be abolished in favour of the English Courts, in order to secure uniformity of decisions. If that were proper as regarded these Societies, it was also proper as regarded more important questions. The issue between the two countries being thus directly raised he must divide the Committee upon it.

MR. O'SHAUGHNESSY supported the Amendment, and thought that if the Bill passed as it stood they would be purchasing uniformity at too high a rate.

MR. HERSCHELL said, he was impressed with the value of uniformity; but he thought the right hon. Gentleman would in this case gain that uni-



formity at the expense of so much complexity and confusion that he would do well to re-consider the point, inasmuch as it would often be a matter of doubt whether the appeal should be to the Chief Registrar or to the Court at Dublin.

*Amendment agreed to.*

MR. MACDONALD moved the insertion of words, appointing the Court of Session in Scotland the Court of Appeal.

THE CHANCELLOR OF THE EXCHEQUER said, that he was very much struck with the remark of the hon. and learned Member for Durham (Mr. Herschell), and that had induced him to accept the last Amendment. The present Amendment followed as a matter of course, but the clause would require rearrangement on Report.

*Amendment agreed to.*

Clause, as amended, *agreed to.*

Clause 12 (Cancelling and suspension of registry).

MR. MELDON moved, in page 8, line 12, after "registrar," to insert—"Or, in case of a society registered in Ireland, the registrar for Ireland."

THE CHANCELLOR OF THE EXCHEQUER said, he thought the power of cancellation of certificates should remain only in the hands of the highest authority. He would re-consider the matter.

*Amendment, by leave, withdrawn.*

MR. LEEMAN moved, in page 8, line 14, after "fit," to leave out to end of clause, and insert—"Upon the application of one-fifth of the whole number of the members of a Society." His object was that the application of one-fifth of the members should be necessary in order to put the Registrar in motion for the purpose of bringing about the cancellation of a society.

THE CHANCELLOR OF THE EXCHEQUER said, the object of the clause was to allow a Society, as a whole, to obtain cancellation with the approval of the Registrar. It would apply to a cluster of affiliated Societies which desired to be registered as a whole.

SIR HENRY JAMES said, he thought the clause provided a greater safeguard than the Amendment.

*Amendment negatived.*

Committee report Progress; to sit again upon *Thursday*.

*Mr. Herschell*

And it being now five minutes to Seven of the clock the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

#### NAVY PROMOTION AND RETIREMENT. RESOLUTION.

SIR JOHN HAY, in rising to call attention to the subject of Promotion and Retirement in the Royal Navy, said: Mr. Speaker—I ought, perhaps, to apologize to the House for venturing to intrude upon it this evening with reference to the subject which I propose to discuss when we know that my right hon. Friend the Member for the City of London (Mr. Hubbard) had a Motion which perhaps would have been of more general importance and more general interest. The subject which I venture to introduce to the House is one of no inconsiderable importance to the country. When I put my Notice on the Paper I was not aware that my hon. Friend the Member for the Montgomery Boroughs (Mr. Hanbury-Tracy) would have placed the Amendment on the Paper which he has done, and which renders it incumbent upon me to detain the House longer than I would otherwise have done in addressing myself to this subject. The question which I propose to discuss is the present condition of Her Majesty's Navy with reference to Promotion and Retirement. My right hon. Friend the First Lord of the Admiralty has on two occasions in the present Parliament called attention to the subject, and has stated to the House that he has found it not exactly in a satisfactory condition; and I am sure that he will forgive me if I offer to point out to the House the arrangements which I think have caused that unsatisfactory condition. I perhaps may be excused for doing so when I tell the House that the correspondence which has been addressed to me by naval officers both on the retired and active lists, and of all classes and ranks, has imposed upon me the duty which I am compelled reluctantly to undertake—I say reluctantly because I feel that the management of the Navy in the hands of my right hon. Friend is sure to receive all the consideration which his experience and love of the Service may suggest. Although he has

now for a considerable time been in office, I feel that it would perhaps be unfair to him if I pushed him into a corner and asked him to declare the arrangements which he proposes to make for the advantage of the profession. I wish to strengthen his hands in making the changes which he must feel are necessary; and if the form of the Motion of which I have given Notice—namely, for the appointment of a Committee—be inconvenient at this period of the Session, or, indeed, if the appointment of a Committee should at any time be inconvenient to Her Majesty's Government, I should be the last person to urge it, after I have stated to the House and to my right hon. Friend the wishes, the hopes, and the aspirations of the noble profession of which he is at present the head. I am happy to see the right hon. Gentleman the Member for Pontefract (Mr. Childers) in his place. The right hon. Gentleman will quite understand that in discussing this question, I wish to discuss the effect not only of the retirement in 1870 which he persuaded the House most liberally to vote, but also the various schemes of retirement which were antecedent to that of the right hon. Gentleman which was pecuniarily very liberal to the service. In 1870 certain changes were made at great expense to the public Exchequer which have neither met the anticipations of the right hon. Gentleman the Member for Pontefract, nor the wishes nor the hopes of the Service and the country. The right hon. Gentleman did at that time propose to the House a measure which was a very large measure and pecuniarily a very liberal measure; but I think that even he himself will have ascertained by this time that those hopes and promises, both financially and in regard to promotion which he then held out, have—I will not say signally failed—but have not met the hopes and anticipations which he shadowed forth to the country. In the speech in which the right hon. Gentleman introduced that great measure to the House, he proposed that efficiency, economy, and contentment—three most desirable objects—should be advanced and, I may say, rendered perpetual in the naval profession. I am quite sure that if he has failed, it is because wrong calculations were placed before him by the authorities whom he consulted, and that he had

himself a most earnest desire to attain these most desirable ends. The hope which he held out with regard to this proposal was to render the service contented. He said—I quote from his most excellent speech on the 28th of February, 1870—

“Our third object was to render the service contented. So long as we had a large number of officers unemployed, and while some of the questions which I have mentioned were unsettled, no one can wonder at a certain uneasiness and want of contentment in parts of the service. We believe, however, that the proposal I have made to-night ought to remove these feelings; and, if that prove so, we shall have succeeded in our third object. Efficiency, economy, and contentment are, then, the main basis of our naval policy.”—[3 *Hansard*, cxix. 938.]

No more honourable effort could have been made by any statesman than the right hon. Gentleman; but so far from resulting in contentment, I believe it will be shown by hon. and gallant Members of this House who have had more recent experience of the Navy than I have, and is certainly shown by the mass of Correspondence to which I have alluded, and which I must apologize to many gentlemen for not answering, except now, in acknowledging the information they have afforded me—that the condition of naval officers at this moment is one of dismay and dissatisfaction. I do not want to put it too strongly; but I do wish to point out to the House that the present condition of the service—of every class of the service, from the sub-lieutenant to the flag officer—is, as I have endeavoured to express it, a condition of dismay and dissatisfaction. Now I cannot think that that feeling is at all unreasonable; and if the House will bear with me for a short time, I will endeavour to point out the reasons why that dissatisfaction and dismay exist. In the year 1863 a Committee of the House of Commons was appointed to consider this subject; and over it my right hon. Friend the Member for the University of Cambridge (Mr. Walpole) presided. That is the very last occasion on which this House has had an opportunity of inquiring into the method of promotion, and into the way in which economy and contentment are to be produced in the profession. Before that Committee in 1863, there had been a Commission over which the famous Duke of Wellington presided in

1848. [General Sir GEORGE BALFOUR: 1840.] I am corrected by my hon. and gallant Friend opposite. From the year 1840 to the year 1863 no examination was made on the subject of promotion and retirement in the Navy; and since 1863 no public examination, no examination by Committee or Commission, has taken place with regard to the subject. The changes which took place in 1866, when the Duke of Somerset was at the head of the Admiralty, were based upon the recommendations of the Committee of 1863. They did not go exactly in the direction of the Report of the Committee, and if they had gone more in the direction of that Report, they would have been more to the purpose. The right hon. Gentleman the Member for Pontefract, in 1870, made changes which were far from being in the direction of the Report of the Committee. They were in the direction of a proposal which was laid before the Committee, and which was rejected by it. The only proposition which was at all analogous to the arrangement made in 1870 was, what is called Proposition 4. Proposition 4 went under the name of the humble Member who now has the honour of addressing the House. It was put forward by me on behalf of a Committee of naval officers for examination, and having been examined by the committee, it was entirely rejected. It was submitted to a most careful analysis, which hon. Members will find in the Blue Book containing the report of the evidence of the Committee. They will find the report of Mr. Finlayson, one of the most able and accomplished actuaries who undertook to consider these matters for the Committee. He and another eminent actuary, Mr. Willich, went into the matter, and proved not only to the unanimous satisfaction of the Committee, but to the unanimous satisfaction of the naval Service, that the proposals submitted to the Committee were not proposals which would result in the most satisfactory arrangements either for rapid promotion or economical administration. That Committee was a very strong Committee. My right hon. Friend the Member for the University of Cambridge presided over it, and upon it were Sir Francis Baring, who had been First Lord of the Admiralty. Sir John Pakington (now Lord Hampton), who had also been First Lord of the Admiralty,

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and the gallant Admiral (Lord Clarence Paget), who was then Secretary to the Admiralty. Many witnesses were examined before that Committee, and amongst them many gallant officers most competent to advise the Committee upon the question. There were examined not only the Duke of Somerset, then First Lord of the Admiralty, but his private secretary (Captain Moore), Sir James Sullivan, Admiral Elliot, Sir Rodney Mundy, Sir James Hope, Lord Lauderdale, and others, who were perfectly competent to give the opinion of the profession on questions such as those submitted to the Committee. The Report of that Committee was unanimously agreed to, and it contained the lines upon which any proposal which should be made to the House or the country should be framed. It must be evident that the foundation and substance of any system of officering Her Majesty's Navy must be based upon the lieutenants' list. The lieutenants' list must be considerable. It must be so considerable that it is impossible that any person who rises to the rank of lieutenant can hope to rise to the rank beyond it. One of the most distinguished officers in the Navy (Sir James Hope) was examined before the Committee. He stated that it would be unsafe to reduce the lieutenants' list below 1,200. That seemed to the Committee to be an exaggerated proposal, and the proposal which I had the honour to make had been for 700, or little more than half. That number of 700, as proposed by me on behalf of a committee of naval officers, is about 100 more than the number provided for by the existing Order in Council. That proposal was scouted by every person who had been First Lord of the Admiralty; by officers of great knowledge and distinction, who put it at 1,000; by the Duke of Somerset, and by a number of other officers, whose names I will not at present detail to the House, but who were officers of distinction and of experience. The Committee, in consequence of the evidence given before it, reported that it would not be safe for the Navy to reduce the number of lieutenants below the number of 1,000. At this moment, we have placed upon the retired list, at an increased rate of pay, a large number of lieutenants, and other officers, who are paid a higher rate of pay than officers who are retained upon half-

pay on the active list; and, although they have beseeched that they may have the credit and honour of remaining in the service, we cannot, because the pay which they receive is not a retaining pay, call upon them to serve at any moment that they might be asked. This very Session my right hon. Friend the First Lord of the Admiralty, with, I am sure, the approbation of the House, proposed in the Navy Estimates that a large number of seamen, about 18,000 in number, should be paid a considerable retaining fee, in order that if they are required we may call upon them to serve the country in war. In addition to the seamen, there are a number of lieutenants and sub-lieutenants in the Royal Naval Reserve who are, no doubt, quite competent to render the country good and advantageous service in the event of war, and who are retained to serve the country in case they should be required. At the same moment something like 3,000 officers are on the retired list of the Navy, and of these I am right in saying that there are from 400 to 500 of the junior ranks under 40 years of age who are paid more than those who remain on the list, who would wish to serve you, and who are paid more that they may not bother the First Lord of the Admiralty in asking for employment. The only advantage which the country gains, therefore, is that a certain number of gentlemen abstain from asking the First Lord of the Admiralty for liberty to serve the country. Although they are skilled and trained men; although, at great expense to the country, they have been reared up from the age of 14 to the age of 40, they are not allowed to serve the Crown, and they are debarred from going to the First Lord of the Admiralty when war breaks out, and saying that they are ready to serve. No doubt, if an emergency occurred, they might be impelled to offer their services; but during all this time they have had the degradation—and that it is felt as a degradation the letters which I have received from many officers show—of being told that, in spite of their ability, and in spite of their service, their names shall not be printed on the active list, and that, although they are sound horses, they shall be driven into the knacker's yard. No more impolitic arrangement can be made by any country. I would venture

to quote the evidence of a distinguished officer, now no more—an officer of great ability—who gave evidence before the Committee to which I have already alluded, and who was private secretary to the First Lord of the Admiralty. We know that the First Lord of the Admiralty will always select an officer of distinction to advise him in that particular position. That officer was Captain John Moore, and any Member who knew Captain Moore, and the distinguished service which he rendered, will bear me out in saying that any evidence which he gave is worthy of the attention and recognition of this House. At any rate, it was attended to and recognized by the Committee, and is crystallized in their Report. With regard to the lieutenants' lists, he says—

“I think it is absolutely necessary that a much larger number of lieutenants should be employed than can possibly be provided for by promotion.”

Captain Moore stated that with reference to the number of 1,000 lieutenants which he thought it was necessary to employ. The principal fault which I find with the present system is the enormous and growing expense which it is entailing upon the country, and the want of adjustment in the numbers of the respective lists, so that a due flow of promotion may take place at the proper time, and so that a young officer may rise to the higher rank of his profession. The Order of Council in 1870 proposed that the list of lieutenants should be reduced to 600. I thought at the time, and still think, that is too small a number. The right hon. Gentleman the Member for the City of London (Mr. Goschen)—I do not know whether it was because 600 was too small a number—promoted a large number of sub-lieutenants at once, and increased the number of lieutenants to 700. The number on the list now is 701. They have not been increased by my right hon. Friend, and they remain at the numbers which were considered necessary by the right hon. Gentleman the Member for the City of London. In reply to a Question from me, the right hon. Gentleman the Member for the City of London made some excuse for that increase, and said it was rendered necessary by the proposal that lieutenants should undertake navigating duties, and that, therefore, it was necessary to increase the numbers in order to meet



that necessity, which had not been intended when the first Order in Council was issued. Now, it seems to me that, in order to regulate and guide a self-acting scheme, which, is I believe, what my right hon. Friend desires, it would be necessary to provide for the retirement in each year of a certain number of lieutenants. If you can provide for the retirement of a certain number of lieutenants, you can regulate the entries to the profession; you can regulate the number on the upper list; you can then see how many lieutenants you can promote to be commanders, how many commanders to be captains, and how many captains to the flag list. Assuming that you are to have 700 lieutenants, it would be a fair proportion to make that 70 lieutenants should be provided for in each year, because I think it would be wrong that the average time of lieutenants on the list should exceed 10 years. I am sure that no gallant officer would consider that as an illiberal proposal as to the time which lieutenants should remain on the list. Supposing that 25 or 30 lieutenants can be promoted to the rank of commander, you would have to arrange for the retirement of 40 officers from the ranks of the lieutenants at an age at which they might hope to obtain service in the command of our mail steamers and the Merchant Navy. My hon. Friend the Member for Hastings (Mr. Brassey) has pointed out the mode in which these gentlemen could obtain employment; and I have no doubt, from the statement which he made—though I have not been able to verify it—that officers of that age and standing would find ample employment in a congenial profession. If that were done the upper ranks could easily be regulated. At present, there is no arrangement—the different ranks of the service are not adjusted to each other—and the cost to the country is enormously increasing. I wish to call attention to the present condition of Vote 15, which bears upon this question, and I would venture again to quote from the speech of the right hon. Gentleman the Member for Pontefract, on the 28th of February, 1870, to show how much his anticipations and calculations have been disappointed. No doubt, the calculations were made for him by others, and I do not at all mean to suggest that he had not paid proper attention to the subject. The calcula-

tions would naturally fall into the hands of other persons; but, I think, he must acknowledge himself that they have misled him. On that occasion the right hon. Gentleman said—

“The House may wish to know what will be the future financial effect of these changes. In the first year, there will be an addition of £54,111. In the second year the amount of increase will be reduced to £42,499. It may be assumed that all the compulsory retirements will be in the first year, and two-thirds of the optional retirements; in the second year, there will be half of the remaining third of the optional retirements and half of further reduction to bring down the number to those proposed. In the third year, the numbers being fully reduced, the increase of charge will be diminished to £30,886. In the 4th year, instead of an increase of expense, there will be a saving of £7,552. In the fifth year, there will be a saving of £45,990. A steady saving will then go on for twenty or twenty-five years until all the lists will be in what may be called their normal condition.”—  
[3 *Hansard*, cxcix. 937.]

In reference to this statement I have made allowance for the fact that the right hon. Member for the City of London added £15,000 to the Estimates in a given year for a special purpose to which will allude. In 1868-9 the Vote for Half-Pay, Reserved, and Retired Pay was £700,000, this year it is £888,000, which is an increase in that time of £188,000. These figures include, not only the half-pay on the active list, but of the Marines; but the figures which I am now about to give are figures in which all the charges are omitted, except the charge for reserved or retired pay. In the year 1869-70 the charge for reserved and retired pay was £432,899; in the year 1870-71, which was the year when the right hon. Member for Pontefract introduced the present plan it was £584,812; in 1871-2 it was £602,204; in 1872-3 it was £604,056; in 1873-4, which was the year in which a large reduction was anticipated, and in which £15,000 was added to it by the right hon. Member for the City of London, it was £619,625; in the year 1874-5, in which the right hon. Gentleman anticipated a reduction of £45,990, it was £696,086; and in the year 1875-6 it amounts to £712,929. It is, therefore, now just £713,000, or very nearly £300,000, more than in the year 1869-70. I do not wish to say that the whole of that increase is injudicious. What I want to point out is that a large proportion of that increase is injudicious. It is given to men who do not want it. I do not say that their

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circumstances are such that they do not require it; but they would rather have a lower amount of pay and remain on the active list than be placed on the retired list at an increased rate of pay. They complain that they are forced off the list—that they are bribed to go off the list—although they are persons who are capable of serving the country with advantage. The country is deprived of the service which they may render it; and no greater slur can be cast upon a man than to kick him out of the Navy, and then when the country has need of his services to say—"Well, if you like to ask you may get employment." You say at present that you will rather employ men in the Merchant Service, and the whole profession is naturally disgusted at an arrangement of that sort. I think I have put before the House the financial operation of the scheme. I will now speak of the commander's list. The last Board of Admiralty made a change which was inexplicable, both to the Naval Service and to anybody outside the Admiralty. The opinion of the Committee to which I have referred was that the commanders' list should not be reduced below 400. The right hon. Gentleman the Member for the City of London having, I suppose, an extremely anxious desire to carry out the Order in Council determined to take violent measures to cut down the list to the number. It is one thing for naval officers to desire that there shall be a system of retirement if that system is to conduce to more rapid promotion—if men who are incompetent, or from their age are inefficient, or who from various other reasons may be desirable persons to get rid of are retired, and other persons are promoted to their places. But this operation involved an expenditure of £15,000 a-year to buy out 47 gentlemen about the age of 40 years, all of them anxious to serve; you simply gave them more pay to get them off the list and place them on the retired list. There are 164 commanders now serving, and 201 are on the list; and I challenge my right hon. Friend the First Lord of the Admiralty to state whether he has commanders enough fit to perform the duties. I am sure, however, that my right hon. Friend below me will see that we have the number necessary for the Service. You have reduced the lieutenants' list to 700 by buying out

at a largely increased pay; but those who have remained are not superior to those who have gone. The 47 commanders would gladly come to my right hon. Friend and say—"Put us back upon the active list—reduce the amount of pay—take us back on the half-pay list, and give us our chance of employment and serving the country, and our chance of promotion." Many of these gentlemen are under 40 years of age, and is it an advantage to the country that it should be deprived of their services? I have several letters from gallant gentlemen, which I would read if they would not weary the House. ["Read!"] Well, the following is one of the letters which I have received:—

"As you have kindly undertaken to bring the case of commanders before Parliament—those who retired in 1873 and were not given an additional step in rank—may I ask if you will allow me to supplement their case with that of my own, which will show how cruelly and unjustly the Admiralty have dealt with those officers who have so faithfully served them during the best years of their lives. I will first remark that I with many others accepted this retirement with the greatest reluctance and pain—as none but those who have experienced it can judge of one's feelings in having to give up a service to which one has been trained from a boy, and on which all one's hopes, pride, and devotion are fixed. This retirement was proposed not for any individual benefit, but for the immediate benefit of the Service and those who remained in it—my age (38) and the poor prospect I had of gaining promotion before 41, was the cause of my accepting it. The Admiralty was responsible for this state of things, and not the officers, and therefore being forced to retire in consequence, it is doubly hard that they should be denied what it is considered they are entitled to. My own case is, that after 11 years service as lieutenant I was promoted commander—served for 3 years as commander of *Black Prince*, 1st Reserve ship in the Clyde—appointed to command *Ringdove* in China Station in March, 1873—on 1st October accepted retirement, and was not relieved until the following 10th April, 1875. During the latter part of this time I was employed on important duties in conducting (on board the *Ringdove*) a diplomatic mission up the unsurveyed waters of the Poyang Lake to the city of Man-chang-fu, which is 800 miles in the interior of China; and also in protecting British interests during the rebellion in Japan. On my arrival in England I was informed that my service in the *Ringdove*, subsequent to the retirement (6½ months), would not be allowed to count as sea time for a step in rank; and furthermore that I should have to refund £60 out of £110 I had drawn to defray expenses of my passage to England—although I was kept out there this additional time on public service, and from no expressed wish of my own. I have applied on three different occasions for this time to be allowed to count, and

also that my passage money home may be defrayed by the Admiralty (my case being exceptional), but have met with a refusal each time. I have, therefore, taken the liberty of stating my case to you, with the hope that you may consider it of sufficient importance to make use of to illustrate the manner in which the Admiralty have acted towards those who have served them well, but who are now (from necessity) forced to retire."

I have letters from Captain Luttrell, Captain England, and other officers, and they have assured me that they are perfectly ready to serve the country; and many of them are perfectly ready to give up this additional sum, if you will only allow their names to be printed on the active list. They, no doubt, will trouble my right hon. Friend occasionally by asking him to employ them. I believe he has once a year the honour of meeting a number of officers who offer their services to him, and I believe that in that particular class it would be an advantage if he had a larger list to select from than at present exists.

I will go now to the next rank, the rank of captain. The present order in council has reduced the list of captains to 150. There are 164 posts for them to fill. At the present moment some of them are phantom ships; but I hope they will be replaced. There are 164 posts in which captains can be employed; and I ask if it is wise or desirable to reduce the list of captains absolutely below that number, which may be necessary to be commissioned in case of the outbreak of war. When in addition to that I find that the Committee and Commission both recommended a very considerable list of captains, in order to give a flow of promotion, it seems unreasonable to me to reduce their number to 150. It is perfectly impossible, with a list of 150 captains, that you can promote commanders in the way that it is desirable to do. The House will remember that the change which I advocate is cheaper than the present system. It is merely a transfer of names. You give a captain when you retire him the most liberal provision of £600 a-year, but if you retained his name on the active list as a rear-admiral you would only give him £450 a-year. You therefore would have the advantage of his services and save the country £150 a-year by the mere transfer of names. I will take the year 1860. In that year there were 356 captains on the active

list and 377 upon the retired and reserved list, and 128 captains were employed. At the present moment there are 174 captains upon the active list, for you have not been able to reduce them to 150, and 458 upon the retired and reserved list, so that there are 622 captains in all, of whom 90 are now employed. These 458 officers are most liberally provided for; you are giving them a large excess of pay from which the country gets no benefit. It cannot call upon these men to serve. I may be told that if the necessity arose their patriotism would cause them to come forward and offer their services; but during all these years there has been the burning sore in their hearts of having been kept out of the profession to which they wished to belong. Instead of being in a position when they come up to the Queen's levee of calling upon my right hon. Friend and placing their services at his disposal, all that they can now say, is—"We have been driven into the knacker's yard and however desirous we may be of serving we have no opportunity of doing it." I want to point out to the House the condition of the captains list. Captain William Arthur is an officer who has devoted a great deal of time attention to this subject. He is an officer on the active list, and has just returned as flag captain from China, where he has been serving. He was kind enough, on seeing the Notice which I had given, to place before me certain calculations, which he informed me had been placed in the hands of my right hon. Friend the First Lord of the Admiralty, in order that he might have an opportunity of considering them. These calculations with reference to the conditions of the captains' list show the ages of the various officers and the time at which they may be promoted. My gallant Friend was so kind as to give me a whole folio of these calculations; but I could not think of trespassing on the House with reference to this question at any length. I simply wish to point out two or three facts in reference to the captains' list, which in any consideration of this subject by my right hon. Friend are, I am sure, worthy of his attention. The list is headed by Captain Richards, and the next officer to him is the illustrious Duke, His Royal Highness the Duke of Edinburgh, who, I trust, by the grace and favour of his

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Sovereign, if not by his age, will be allowed to hoist his flag. These names will show that I have taken a fair sample as to age. There are 65 captains on the list, and I believe that they are all young and able officers. What will happen to these officers of the 65, 39 must retire before they can become admirals. Of the remainder, 26 will become rear-admirals, but their average ages will be 54, so that they can only hope for five years' service and then they must retire altogether. Of the whole of these 65 individuals you will not have the service of one as vice-admiral. That is a singular result, and I do not think it is a result which the country will desire to pay for. Among the names of the captains on this list you will find the name of Captain Morgan Singer. He is well known to many hon. Members as the great Torpedo captain—as the man who has instructed us in this particular class of gunnery—as the man, who, of all others, is teaching us, when we shall have no ships at all, how we shall be able to blow up the German or any other fleet. He can never be a rear-admiral. He may go on instructing us in this great branch of naval science; but at the age of 54, his promotion under the arrangements which now exists, will be cut off. There is another gallant and distinguished officer whom I had the honour of seeing last Thursday, and who has now sailed from this country under circumstances which have secured for him the good wishes not only of every Member of this House, but of every man, woman, and child in this country—I mean Captain Nares. Captain Nares may hoist the flag of England on the North Pole but he can never hoist his flag as an admiral. He is to be retired when he comes back from the North Pole at £600 a-year and allowed to go about his business. Captain Arthur, whose authority is recognized by the right hon. Gentleman, shows in addition to the facts which I have stated that of the last 100 captains on the active list, 55 will be retired for age before attaining the rank of rear-admiral. That is that more than half the young officers whom you are now promoting can never be admirals, although the object of reducing the captains' list to 150 was in order that they might be constantly employed, and become full admirals after. The consequence is that you will dis-

charge all but 29, and that of the last 100 captains on the list 55 will go, whatever their services and claims may be. Is that wise or prudent? I would venture to say that the recommendations of the Committee of 1863 should be the guide of my right hon. Friend in making the arrangements which he has to propose. I am not going to propose my Motion in regard to the appointment of a Committee. I am well aware that in the month of June it would be absurd to ask hon. Members to engage in such an inquiry, and I have the greatest confidence in my right hon. Friend; I believe that he will consider this subject, and I believe his hands will be strengthened by this discussion. It is of the greatest consequence to the country that it should be known what can be said on behalf of the existing scheme which the right hon. Gentleman opposite with the best intentions placed before the country in that Order in Council. What I would recommend is that we should offer to every officer, no matter what his rank or standing, the opportunity of going back on the active list, if he will forego the pecuniary advantages which he at present enjoys. According to my view it would save the country £25,000 a-year. As cutting down the lists on various arbitrary principles has failed, I think we should go back to the recommendations of the Commission of 1840 which says that the upper ranks should not be limited. My right hon. Friend has 65 officers to select from; but if the recommendations of that Commission were adopted he would have a larger list to choose from consisting of young and willing officers of equal experience. I know that of the officers on the active list, even at the age at which they can serve many are not at all anxious to serve; and if he adds to the number preferred to serve, all the officers who are willing to come back from the retired list and so increase the number, the only additional trouble that he gives himself is that he has a larger number to select from and has consequently a larger number to refuse. Now, when you have to select between two men, you are sure to offend one, but when you select one out of a dozen, you do not offend all the rest. You would have a more extended field to select from, and though it might be a little more inconvenient to the First Lord, it would not

be so invidious to those officers who are rejected. I wish the House clearly to understand that the results which the right hon. Member for Pontefract anticipated from the liberal scheme of retirement which he introduced have not been attained. I admit that he had the very best intentions in carrying out the views which had been indicated by many naval officers, although they had been exploded by the examination before the Committee of my right hon. Friend the Member for the University of Cambridge. His object was to make the flag list younger; but, in this respect, he has entirely failed. The list of 1875 is older than the list of 1870. My hon. Friend the Member for Glasgow (Mr. Anderson) has more than once referred in the House to the position of Admirals of the Fleet; I have no desire to misinterpret his feelings or to think that he would do anything that would be inconvenient to those very gallant officers at the head of the Navy. My hon. Friend has suggested that these distinguished officers should be retired, in order that the flow of promotion should be accelerated. My hon. Friend is quite right if the numbers on the list are to be confined to the numbers as they are at present; but I have never concurred with that view since the report of the Committee to which I have alluded. The Admirals of the Fleet are officers of great distinction. They rank with Field Marshals in the Army; the Navy desires to see officers of that rank at its head; and with all respect to my hon. Friend, it would be an absurdity to place upon the retired list Admirals of the Fleet. We have all observed with very great satisfaction that, along with His Royal Highness the Prince of Wales—whom we are all glad to see in the highest rank of the Army—two distinguished officers have been promoted to the rank of Field Marshal—General Sir John Fitzgerald and the Marquess of Tweeddale. One of these officers, I am informed, is 89 and the other is 90 years of age, and I want to know why the Navy should be deprived of the corresponding rank. It is but very seldom that an Admiral of the Fleet has hoisted his flag. The last occasions were when Lord St. Vincent, at the age of 90, hoisted his flag on the occasion of the visit of the Allied Sovereigns to this

country; and before that, Lord Howe on this anniversary—the memorable victory of the 1st of June. Except in the case of these two officers, it is a purely honorary distinction, but one which all naval officers covet, and I am sure that its abolition would cause a feeling of dissatisfaction which the hon. Member would be the last person to desire. The ages of these distinguished officers have naturally increased. The ages of the three Admirals of the Fleet were, in 1870, 246 years; in 1875 they are 248. The ages of 13 admirals were, in 1870, 844 years; in 1875, 866; the ages of 15 vice-admirals in 1870 were 888 years; in 1875, 899 years; the ages of 25 rear-admirals in 1870 were 1,291 years, and in 1875 1,355. In 1870 there were five flag officers under 50 years of age. There are now only three. These figures show that the scheme cannot be any great advantage to the profession or to the country, and it seems that, in a short time, no admiral will be promoted under the age of 54 years. I have detained the House at great length; but I must venture to ask their kind indulgence with reference to another class of officers on the retired list. The House will remember the case of the F. G. Reserve captains, who, 10 years ago had their claims introduced to the House by my hon. Friend the Member for Portsmouth and other Members. The right hon. Gentleman opposite did them fair and reasonable justice in the proposal which he made. There are others whom he passed over, whose wrongs he neglected, and to the remedy of which I am going to allude. My hon. and gallant Friend the Member for Derbyshire will confirm the statement I am about to make. A few years ago my hon. and gallant Friend came to the Admiralty and got all but a promise of justice to these excellent officers. The only thing that interfered with the proposal of my hon. and gallant Friend were the F. G. captains, whose wrongs had been redressed. The wrongs of the H. I. K. captains remain. These officers ask for no money. It is unfair to say that the House of Commons would not give them everything that is just and reasonable; but these officers do not ask for money. They served, many of them with great distinction as commanders, and they accepted their promotion to the retired list, many of them with great

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indignation. All that they ask is that that should be done for them which was done for the reserve captains of the F. G. class, and that they may be raised *pari passu* to the honorary rank of rear-admiral. I cannot see any objection to that plan. These gentlemen have served long and well in all ranks, and all they ask for is, now that the F. G. captains have got their claims fairly recognized, that they should have the same opportunity of rising *pari passu* to the rank of rear-admiral. I would call upon my right hon. Friend to look into this case, and consider whether this boon of honorary rank, which will offend nobody, which will cost the country nothing, and which will gratify these gentlemen, should not be conceded. Then there are the retired lieutenants with the rank of commander, who are upon the M. N. list. These gentlemen—I really do not know why, because they are called captains already—would like to have the honorary rank of captain; and if this small gratification could be given to these gentlemen, it would give them great satisfaction. I cannot conceive where the objection is to making this concession, which was conceded, and very properly and justly conceded, in the case of the reserve captains on the F. G. list. I will now refer to the case of the 93 naval chaplains, one of whom has been kind enough to write to me asking me to tell my right hon. Friend that they are extremely grieved on an altogether different subject. They are grieved with reference to the Expedition which has just now left our shores. In obedience to the general wish of the House and the country my right hon. Friend thought fit to appoint two chaplains to accompany the Expedition. One of the gentlemen whom he selected is not a Naval chaplain, and as each one of them is anxious to be employed in that service, they thought that my right hon. Friend, in bringing in an outsider, had not sufficient ground for the course which he took, and that they have suffered an indignity which requires some explanation. It is quite true that with the exception of the gallant officer at the head of the Expedition, my right hon. Friend required that the general body of officers and men should not be over 35 years of age, and that they should have certain physical qualifications which made it neces-

sary to be exact in the selection of those who were to be employed. I do not know how far my right hon. Friend inquired into the ages and qualifications of the Naval chaplains. Be that as it may, I have received a letter signed by one of the reverend gentlemen, who has put before me the facts of the case. They are extremely aggrieved that of the two gentlemen who have gone, only one should be an officer of Her Majesty's Navy. My right hon. Friend will, perhaps, be kind enough to reply upon that subject, and I can assure him that a considerable amount of grievance exists upon the score. The Petition which the chaplains have placed in my hand and in the hand of my right hon. Friend also prays for certain changes rather of a pecuniary character; but as the Naval Estimates for the year have been introduced, and as the suggestions I am making are for the economy and efficiency of the Naval service and for the reduction of cost to the country, I shall not trespass upon the indulgence of the House by asking any increase of the public charge with reference to these reverend gentlemen. I have thought it right to refer to that portion of the Petition which affects their honour, and to lay it before the House and my right hon. Friend. I will only allude to the case of the engineers. Had I an opportunity of bringing their case before a Committee, I should have urged the necessity of improving their position; but as my right hon. Friend lately stated in reply to a Question, that he had that subject under his consideration, it would be unfair in me to urge the matter upon the House, further than to say that there is no class of officers whom it is more desirable to encourage than the engineers of the Royal Navy. Were a war to break out, the necessity for employing a larger number of engineers would entail upon us the need of taking the engineers from the Mercantile Marine, and therefore, the engineers of the Royal Navy should be encouraged as much as possible. I trust that the consideration which my right hon. Friend has given to this subject will result in the amendment of the position of this most useful class of officers. I am anxious to say that I had intended to introduce before the Committee the position of the warrant officers of Her Majesty's Navy. I am informed by those



who understand this subject that there is no great ambition on the part of petty officers to accept warrants, and I think that the position of the warrant officer is not that which you would desire it to be. The warrant officers, the boatswain, the gunner, and the carpenter of the ship, are men who have great responsibility. They are selected from the seamen of the Navy having been trained up as boys in that profession. A certain number of petty officers are promoted to be warrant officers, but a considerable number of the men abandon their engagements, and are forced out of the Navy by the feeling of the lower deck. They are engaged to serve till 28 years of age; but the younger men, who are coming after them say—"We will make your life a burden to you if you don't be off." I would suggest to my right hon. Friend that the engagement of the lads who are trained for the Navy should be raised from 10 to 15 years. If that were done, it would get over the difficulty, they would have reached an age at which they would remain in the Service, and they would become petty and warrant officers. I think that would be a reasonable and safe solution of the difficulty which exists, and I trust that my right hon. Friend will consider the necessity of making the pay of the warrant officers larger than it now is. They are a most valuable class of seamen in the Navy and may enable my right hon. Friend to reduce the number of naval cadets, because they may perform the functions of the subordinate officers, and thus aid us in the great difficulty with regard to the flow of promotion. There is another class of officers to whom I would venture to allude. My hon. Friend the Member for Chatham (Mr. Gorst) has already called the attention of the House to the condition of the Marine officers. I confess I heard with surprise the right hon. Gentleman the Member for Pontefract, when that subject was under discussion, make the proposal to delay to do that justice to the Marine officers which was asked by my hon. Friend, because a Commission was at present sitting to consider the question of the promotion of the officers of the Army. There is no Marine officer upon that Commission; there is no person representing the Admiralty upon that Commission; and I find that not a single

Marine officer has been examined before that Commission. The Marines are an integral part of the Royal Navy. They have nothing to do with the Army; they are provided for in the Navy Estimates, and they serve under the Marine Mutiny Act. They are an integral and one of the most valuable parts of the Navy. The 14,000 Marines form the most formidable part of your Naval Reserve. If we are ever to have mastless ships—and that is a point upon which I give no opinion at present—but if we are to have mastless ships, I cannot conceive any persons more competent to work those mastless ships than the Marine Artillery and the Marines. Yet, what has happened? Some two or three years ago, this subject was introduced to the notice of the House. At that time the War Office thought it right to restore or create the rank of Major in the corps of Royal Engineers and in the corps of Royal Artillery. I immediately asked the right hon. Member for the City of London whether he was prepared to restore the rank of major in the Royal Marines. They had been deprived of the rank of major in order to assimilate them with the other two corps, and when it is given back to the Royal Artillery and Engineers, I want to know why it is not given back to the Marines. The Marines were deprived of their just birthright; and, because forsooth, the military authorities, who, with all respect to them, have nothing to do with it, interfere in the matter and object to the restoration of the rank of major on the ground that it would be unsatisfactory to the Army, the Admiralty have not restored it. I call upon my right hon. Friend to do justice to these Marines whatever the War Office may say. I, at least, ask that they should be heard on the subject of these grievances, and should have some hopes of redress. I am confident that when in the Royal Marines, there are captains who have been 29 years captain and subaltern, the present state of matters cannot be allowed to go on. I am quite sure that if captains of 16 years standing were made majors there would be very little increase of cost, because a great many of them have already the brevet rank of lieutenant-colonel and major. I have now to thank the House for the attention with which they have heard me. Nothing could have induced me to ad-

*Sir John Hay*

dress the House upon this occasion except the urgency of the complaints which were addressed to me. The officers of the Navy naturally turn to one who may be supposed to understand their case and to sympathize with them. I wish to say that I do sympathize with that noble profession, and I am quite sure that my right hon. Friend sympathizes with it. I have ventured to urge upon him the necessity of expediting the consideration which he told the House he was giving to this subject. My right hon. Friend hopes to improve the position of the Service, to benefit the condition of the officers, to encourage their aspirations for advancement, and to do away with the dismay and disappointment under which they are now suffering; and I am sure he will forgive me for urging upon him the different points which I have brought under his notice. I will not propose the Motion for a Committee of which I have given Notice, but will move—

Motion made, and Question proposed,

“That the present system of Retirement of Officers in Her Majesty's Navy, whilst continuously adding to the charge for ineffective Officers, has failed to give a due flow of promotion.”—(*Sir John Hay*.)

MR. HANBURY-TRACY said, in reference to the Amendment of which he had given Notice, he might state he had paid great attention to the subject, and if the right hon. and gallant Member had moved for the appointment of a Committee in order to ascertain what steps should be taken in reference to an improved plan for promotion and retirement he would have supported him; but in reference to the course taken by the right hon. and gallant Member, he was sorry he could not support his Motion. The right hon. and gallant Member was prejudiced against the scheme of 1871, and therefore was unwilling to give it fair play. He (Mr. Tracy) believed that this scheme, when properly brought into operation, would prove one of the greatest benefits to the Navy, and would give fair promotion and retirement throughout all ranks of the service. The right hon. and gallant Member had stated, in somewhat exaggerated language, that the Navy was discontented and disappointed. [*Sir JOHN HAY*: No; dismayed and disappointed.] Well,

dismayed and disappointed. But if the right hon. and gallant Gentleman would cast back his eyes to the state of the Navy in 1870 he would admit that the discontent and dissatisfaction which then prevailed were infinitely greater than at present. In 1870 they had on the Navy List an enormous number of officers clamouring day after day for employment, but to whom no employment whatever could be assigned. A new kind of vessel had been introduced which required a smaller number of officers, and discontent prevailed throughout the active service. They had also large Retired Lists formed without any definite principle, lists under every letter of the alphabet, all on somewhat different schemes, and with somewhat different arrangements. Then the right hon. Gentleman the Member for Pontefract (Mr. Childers) came to the Admiralty and took up the question; he looked at the schemes of retirement of 1866 and some years previously, and saw that though aged and long-service retirements had been introduced, they had been employed very partially, there had been enormous exceptions, and there was the greatest dissatisfaction. The object of the retirement scheme of 1870, and also of the further scheme introduced by the right hon. Member for the City of London (Mr. Goschen) in 1873, was to make the Active List thoroughly efficient. No less than 350 naval officers had written to him stating distinctly that the result had been an immense boon not only to retired officers, but also to those on the Active List. Whatever else was now done must be done on the broad principles laid down in 1870. It was out of the question to ask retired officers to come back on the Active List. The result of that course would simply be that the Active List would be composed in a large measure of inefficient officers; because an officer must be inefficient if he was not kept more or less employed. In 1870 there were 89 captains employed, and 199 on half-pay unemployed. Now there were 90 employed, and only 84 on half-pay. The number of commanders employed in 1870 was 171, and on half-pay 231. At present the corresponding numbers were respectively 163 and 38. What these figures meant was that now there was a very efficient list. As to lieutenants, there were, in 1870, 509 employed

and 206 on half-pay. At present there were 521 employed, and 201 on half-pay. In fact, with the exception of the captains' lists, there were now virtually the number which had been desired by the right hon. Gentleman the Member for Pontefract in 1870, and it would not be difficult to get rid in a couple of months of that exception. Until the number of captains had been reduced to the extent contemplated in 1870 the promotion could not be satisfactory. In 1860 the percentage of officers employed, including flag officers, commanders, and lieutenants, was 46; in 1870 it was 50; and in 1875 the percentage had risen, through the operation of the retirement schemes, to 70. As to promotion, it had been undoubtedly going on more actively in the upper ranks since 1870 than it had been doing before. This was not the case, however, with regard to the lieutenants, and among that class there was great dissatisfaction in consequence. It was to be hoped that steps would be taken to remedy that evil. In connection with the financial part of the question, it appeared that in 1870 the full-pay, half-pay, and retired pay amounted to £1,851,000; and that in 1875 it was reduced to £1,804,000, showing a clear saving of £47,000. He sincerely hoped that, whatever was done would be done on the lines of the scheme of 1870, and he felt sure that if that were allowed fair play, it would in a short time bring efficiency and contentment to the service. The hon. Gentleman concluded by moving his Amendment.

#### Amendment proposed,

To leave out from the word "Navy" to the end of the Question, in order to add the words "under the Order in Council of the 22nd day of February 1870, and of subsequent dates, has been inevitably hampered in its operation by the great reductions which it has been deemed necessary to make in the number of officers of all ranks; and that until the effect of those reductions has passed away, some of the special provisions of the Orders in Council require amendment or extension," — (*Mr. Hanbury Tracy*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CHILDERS said, he would endeavour to state to the House, as briefly as possible, what was the real history of

the important question under discussion; at what point it had arrived when he deemed it to be his duty to deal with it, as the right hon. and gallant Gentleman opposite had stated, in a bold and comprehensive manner; in what respects the arrangements then made might have been somewhat incomplete, but yet sound in principle, and could not be departed from without creating confusion and dismay in the Naval Service. The history of the question might be given in a very few words. Ever since the Great War of 1815 the state of the Navy with regard to promotion and employment had been one of the most difficult subjects which exercised the thought of the Board of Admiralty, or had come under the consideration of that House. There had always been complaints similar to those which had been brought forward by the right hon. and gallant Gentleman opposite that evening. As far back as the Parliament of 1833 the question had been discussed and examined at very considerable length, and the difficulties by which it was surrounded were to some extent surmounted by a scheme of promotion and retirement, more or less pointing to the state of things at which we had arrived. But what were the facts with respect to the employment and promotion of officers during those years? He had before him a statement showing the state of the case as to the years 1835, 1850, 1860, and later years, and the House would, he thought, be surprised to learn that in 1835, of the whole body of lieutenants only 2 per cent were employed; of the commanders, only 12 per cent; of the captains, only 7; and of the admirals and flag officers, only 8 per cent. In 1850, after the effect of the Commission presided over by the Duke of Wellington, which entered very fully into that question, had been fairly ascertained, the numbers increased very little. Of flag officers, no fewer than 92 per cent were unemployed; of captains, 88 per cent; of commanders, 83 per cent; and of lieutenants, 68 per cent. Shortly afterwards the Crimean War occurred, and that led, for the first time since the Great War, to a very considerable employment of officers over several years. At the end of the Crimean War, and when it was no longer possible to employ anything like so many officers, a large number of officers were placed on half-pay, and the

*Mr. Hanbury-Tracy.*

same difficulty as before arose, aggravated by the circumstance that, instead of a steady improvement in that respect, there was a steady retrogression. In 1859, a few years afterwards, the present Lord Hampton, then First Lord of the Admiralty, took up the question with very great care, and just before he left office he prepared and brought forward a scheme for increasing employment by the retirement of officers of all ranks in the Navy. That led, in 1860, to something being done, although not on a large scale, by the Board of Admiralty, of which the Duke of Somerset was the head. The effect was, that the proportion of officers who were employed to the whole number of officers was somewhat raised. In 1860 there were unemployed, of flag officers, 84 per cent; captains, 69 per cent; commanders, 59 per cent; and lieutenants, 28 per cent, a certain improvement, but still a very far from satisfactory state of things. The scheme of 1860 was treated by the Navy as a practical settlement of the question; but a large number of naval officers, acting together matured and placed in the hands of the right hon. and gallant Baronet who made the present Motion, a scheme of considerable magnitude, the main points of which were how to provide for a larger per centage of employment for officers on the Active List, and to otherwise provide for the improvement of their position in other respects. In 1863 the right hon. and gallant Baronet, not as representing his own views only, but those of the Navy generally, first wrote a long letter on the subject to the Duke of Somerset, and then brought before Parliament, in a speech of great detail and wonderfully like the one he had delivered that night, a complete scheme for remedying the state of things in the Navy, arising from the insufficient employment of officers in proportion to the number on the Active List. The first main feature of that proposal was that there should be a compulsory age of retirement for all ranks, and an earlier age of optional retirement; the next feature was that there should be a longer minimum period of sea service for officers in their respective ranks; another was that there should be an improved scale of retired pay, another that there should be such a reduction of the numbers on the Active List as might ensure the efficiency of the officers by frequent em-

ployment. A further proposal was that the entry of cadets should be regulated, and it was also suggested that the position of warrant officers should be improved. Then came a statement of the number of officers which ought to be reduced. It was proposed that 37 flag officers, 100 captains, 150 commanders, and 153 lieutenants should be reduced, bringing down the number to 1,313 from 1,753, the point at which they stood at the time—namely, 12 years ago. Well, a Committee had recommended a totally different course, and that the number of lieutenants, instead of being brought down, should be much increased. The Committee went on diametrically opposite lines to those which were proposed by the body of the naval officers, and which were advocated in Parliament by the right hon. and gallant Gentleman himself. In 1866, a few weeks before the change of Government, the Duke of Somerset's Admiralty laid a scheme before Parliament for settling the matter, but both the Navy and the public regarded it as unsatisfactory. Whatever merits that scheme had, it was certainly thought by all parties to be inadequate to meet the difficulties of the case. A strong opposition was offered to it in the House, and it was only carried by a majority of 18. The Government of Lord Russell went out of office, and were succeeded by that of the right hon. Gentleman opposite, which continued for two and a-half years. In 1867, he (Mr. Childers) brought this matter before the consideration of Parliament on the Navy Estimates, when it was admitted that the state of promotion and employment was most unsatisfactory, and he showed that unless something was done it would become still worse. At that time he tendered his assistance to the then Admiralty, if they would devise and carry out a scheme to increase employment and promotion; but during the two and a-half years in which the Government of the right hon. Gentleman opposite were in power they absolutely did nothing in the matter. When the conduct of the Admiralty was entrusted to him in 1868, the question which he found it his duty to study to the bottom, on the application and complaint of the naval officers was, whether he was prepared to carry some scheme like that shadowed forth by him in 1867, which went very much on the line of the scheme of 1866. The



state of promotion was, in 1870, still more unsatisfactory than before. Of flag officers no less than 85 per cent were unemployed; captains, 69 per cent; commanders, 58 per cent; and lieutenants, 34 per cent. Complaints of want of employment went up from all parts of the Service, and the unanimous wish appeared to be for shorter lists and nearly as possible continuous employment. During the years preceding the change these were the percentages—From 1828 to 1848—including the eight years after the Duke of Wellington's Commission was supposed to have settled this question—the percentages of promotion of captains to the rank of flag officers were only  $1\frac{1}{2}$  per annum; of commanders, 2 2-3; lieutenants,  $1\frac{1}{2}$ . In the year immediately preceding 1870 the percentage of captains was  $2\frac{1}{2}$ ; commanders 6; and lieutenants 6. Such was the state of things when he set about dealing with the question. Some years ago it was not looked upon as the right—it certainly was not the expectation—of everybody to get promotion to the top of the list. In those days promotion, to a large extent, went by favour; but as years rolled on, the officers began to feel themselves on a footing of equality with each other. Officers who failed to get the promotion to which they considered themselves entitled resigned on the ground that they had as much right to promotion as those more fortunate officers who were preferred to them. From year to year that feeling grew more intense, and he maintained that the right to promotion, in the absence of evidence to prove inefficiency, was the only sound doctrine to be laid down on the subject. The result had been that there now remained no aristocratic or select class in the Navy, and that all officers considered themselves equally entitled to the promotion which they had in the first place been told that they would get. Again, the position of naval officers had materially altered of late years. Twenty or 30 years ago an officer might be on half-pay, and then, after a few weeks or months of service, again become thoroughly efficient. It was not at that time necessary to keep the officers constantly at sea. But in the present day it was absolutely essential that officers should be constantly employed on active service in order that their efficiency might be maintained. Uninter-

rupted employment at sea was needed in order to render the officers thoroughly familiar with armour-plated ships, the novelties of the engines which were being yearly introduced, and, above all, with the science of gunnery. Well, when he came into office in 1868 this was pointed out to him very strongly by his naval Advisers, and the urgency of reform was pressed upon him. The only mode of remedying the difficulty was to keep the proportion of cadets entered nearer to the numbers actually required for service. On looking into the figures, he found that in the years between 1859 and 1868 between 800 and 1,000 more officers were entered than were actually required, and this involved an increased expenditure of not less than £4,000,000. Adding the number (500) of officers below the rank of lieutenant in excess of the number wanted, the redundant officers amounted altogether to about 1,500. It was absolutely necessary, in the opinion of his naval Advisers, that these lists should be reduced very largely. The right hon. Gentleman had said that one of the effects of the reduction which he (Mr. Childers) had made was that we had already got a list of admirals who were older than the list he found in 1870. The right hon. Gentleman attempted to prove that by an unfair comparison. The right hon. Gentleman compared the juniors on the former list with the whole list, and because the juniors compared with the whole list gave an average younger age than the present list, therefore the age of the admirals on the list in 1870 was younger than that of the admirals on the present list. The way to make a fair comparison was to compare the average age of all on the two lists, and the average age of the whole list now was considerably younger than the average age of all on the list in 1870. The right hon. Gentleman said that Captain Nares, who was a very popular man at this moment, and deservedly so, would retire when he came from the North Pole, and that he could never be an admiral. He (Mr. Childers) promoted Captain Nares, to the great surprise of some people, and he rejoiced that he did so, considering how well Captain Nares had turned out. The statement of the right hon. Gentleman about Captain Nares merely came to this—that Captain Nares would have to wait 10 years after his return from the

*Mr. Childers*



North Pole before he reached a certain position on the list. In dealing with the excess of 1,000 officers, the late Government applied the system of retirement to all ranks; they increased the rates of retired pay, and prevented inordinate entries of cadets. That was the whole policy of the Orders of 1870. In 1870 the number of flag officers was 63; the late Government thought 50 were enough. As to rear admirals, the number of them now on the list was very large, and there was no excuse whatever for increasing it. As to captains, 90, he believed, were now employed. As to the commanders, he said distinctly that the Admiralty would do a very wrong thing if they acceded to the request of officers of the Navy that the number of commanders should be increased. There were at the present moment 40 commanders on the Half Pay List, and including those in the Coastguard no less than 50. Half the commanders were, therefore, engaged in the Coastguard or were on half-pay, and it was unnecessary to increase their number. His right hon. Friend at the head of the Admiralty ought, in his opinion, to do what was intended to be done in 1870, which was that when the list of commanders was reduced the rule was laid down that instead of commanders the older lieutenants should be employed in the Coastguard. Under all the circumstances of the case, then, he maintained that to increase the number of commanders when there was not an inordinately high list would do great harm. And now he came to the present position of the Navy, consequent upon the changes which were made in 1870. In that year there were 1,483 officers on half-pay, there were now only 639—or, in other words, there was a reduction of those on half-pay and harbour pay of 844. When the late Government had to deal with the subject the total number of officers stood at 7,150, and that number had been reduced by 2,123. A more difficult task, he maintained, had never been undertaken in any reduction of the Navy, and that had been effected by retiring no less than 1,990 officers. Every branch of the Service, he might add, was in the same difficult state; but before he gave the result of the changes in the case of the executive military branch, he wished to give the House some idea of what had been done with regard to the other

branches of the Service. Although the military officers were those of whom the Members of that House saw most, yet they only constituted one-third of the officers of the Navy. He found that while of the navigating officers only 64 per cent were employed in 1870, there were now 70 per cent. He found only 8 per cent per annum promoted, but now the number of promotions was 14 per cent. Of Engineer officers only 66 per cent were employed in 1870; but now there were 82 per cent employed, the promotion per cent per annum having been only  $\frac{1}{2}$  per cent during the previous four years, whereas it was now 2 per cent per annum. Of staff surgeons and surgeons the number employed in 1870 was 65 per cent; but now it was 80 per cent, the promotion which was 40 per cent per annum, having risen to 51. Of paymasters, the number employed per cent in 1870 was 51; in 1874, 72. The number promoted from assistant paymaster was 51 in 1870, 45 in 1874, and instead of 3 per cent promoted in 1870, 4 per cent were now promoted. Of warrant officers on full-pay the number per cent was 84 in 1870, 100 in 1874: in the first-class—36 in 1870, 36 in 1874, and would be 39. In all these grades, then, there had been a sensible improvement since the Orders of 1870, and he would undertake to say that any going back from those Orders would be received with dismay by all ranks of officers. Now, if only a single and not a double operation had to be performed there would have been sufficient to promote every year 7 captains to the rank of admiral, 15 commanders to the rank of captain, and 30 lieutenants to the rank of commander, and that would put the service in a thoroughly efficient state. Before the Orders took effect the promotions in 1866-70 upon the then numbers were as follows:—captains,  $2\frac{1}{2}$  per cent; commanders, 6 per cent; and lieutenants, 6 per cent. In the four years following—1870-4, the promotions were—captains,  $3\frac{1}{2}$  per cent; commanders, 8 per cent; lieutenants, 4 per cent. Thus in every rank but one promotion had been more rapid; they had been perfectly successful in increasing, save in this one respect, the flow of promotion. In the four years before the Orders the promotions and retirements were as follow:—rear admirals, 27; captains, 71; commanders, 154; lieutenants, 252—

total, 504. In the four years afterwards they were—rear admirals, 49; captains, 160; commanders, 318; lieutenants, 448—total, 975. It had been said that promotion at the top had been stopped; but whereas in 1875 the time on the Rear Admirals List was  $5\frac{1}{2}$  years, in 1870 it was  $6\frac{1}{2}$  years, and in 1865 it was 7 years. The number of officers who wished to retire was much larger than that which the right hon. Gentleman was empowered to retire. Therefore, so far from this being an enforced retirement, a large number of officers who had been refused permission to retire had grumbled at being refused. While he had been at the Admiralty there was a very small number comparatively of compulsory retirements, the larger number being voluntary. As to the expense of the system, it would be found that the amount of pay, half-pay, retired and reserved pay, and military pensions, as shown in the annual Estimates, less half the commutation, amounted in 1869-70 to £1,771,000; in 1870-1 to £1,829,000; in 1871-2 to £1,851,000; in 1872-3 to £1,795,000; in 1873-4 to £1,790,000; in 1874-5 to £1,802,000; and for 1875-6 to £1,804,000, or just £47,000 less than the amount of 1871-2. He had stated that the amount, as calculated by the Admiralty, would have been £45,000 less, and that showed how accurate the calculation of that Department had been. He believed that the state of the Service would have been ruinous if it had been left in the condition in which it was found in the Committee of 1862. He should pity his right hon. Friend the First Lord of the Admiralty if he adopted the suggestion made to him to-night—namely, to let all the retired officers go back to the Navy so that he might have the choice of 1 in 12, instead of 1 in 2. A more impracticable plan was never heard of. He, on the contrary, strongly advised his right hon. Friend on no account to be induced to increase his numbers, but to keep his Lists small and his officers thoroughly employed. He would suggest that the right hon. Gentleman should lay down the same rule as to commanders which now prevailed as to lieutenants, and to retire commanders at 45, instead of 50, because they knew that no commander of 45 could ever hope to reach his Flag. If he would do this, a satisfactory increase in the rate of promotion would be obtained. Was it known

that out of 45 to 50 junior captains only five were employed? He would venture to offer another suggestion to the First Lord. Until he had got the List reduced and had worked off the inordinate numbers that were left as a legacy in 1869, he might make every year 12 commanders to be captains and 24 lieutenants to be commanders. This should, however, only be a temporary arrangement, but it would keep the Lists thoroughly healthy, and if it were carried out for five years it would have the best effects. If the right hon. Gentleman intended to absorb the navigating class, it would be proper to increase the proportion of lieutenants to commanders; but in other respects he entreated his right hon. Friend not to depart from the Order in Council of 1870. He trusted the right hon. Gentleman would not take amiss the suggestions which had been offered.

LORD CHARLES BERESFORD said, he could not agree with the right hon. Gentleman the Member for Pontefract (Mr. Childers). His plan had been excellent in theory; but, in practice, it had failed to give satisfaction to the Navy. There was great discontent in the Service in consequence of the scheme of the right hon Gentleman. Twenty years ago there was discontent because the List was larger than it ought to have been. The discontent was greatly lessened by the chance of a man getting promotion when he got service; but the List was now so much reduced that, no matter how much a young officer might distinguish himself, he got nothing by it. They promoted from the top of the tree, and there was therefore no inducement for young officers to work. It would be well for the good of the Service if they were to promote one-third from seniority and two-thirds by selection through all ranks. When there were only seven promotions a-year, what could the Admiralty do? The scheme of the right hon. Member for Pontefract was excellent in theory, but in practice he did not think it good, though it was at first received with favour. The result showed that there were three classes of men who took advantage of the scheme—those who disliked the profession, those who saw no chance of promotion, and those whose health failed. That left those who liked their profession and those who were strong in health. If the right

*Mr. Childers*

hon. Gentleman had made his scheme compulsory there would have been a rapid flow of promotion, and the Navy would have been benefited; but that had not been done. As far as the executive line went, he could only see one way of getting over the difficulty, and that was by increasing the rear admiral List. No doubt that would occasion complaint in that one branch; but it would be better to do so than to have complaint throughout all branches of the Service, and there would be this advantage connected with the course—the Admiralty would have a larger number to select from. He thought the assistant paymasters ought to receive promotion after eight years' service. All naval officers would be exceedingly sorry if the navigating class were done away with. Their duties required the greatest possible practice. The old masters, who had been brought up from boyhood as navigators, were much better than we should get under the present system, one of the best proofs of it being the few men-of-war compared with the merchantmen that were lost in the Channel. But if the masters were to be done away with, it was better that it should be done at once than that they should be allowed to drag on with officers who had much greater advantages. Then, as for the engineers,, they were a class of officers who really did want to have something done for them. Their duties were much more important than they used to be, because nearly every part of the ship was under the engineer-in-chief and his staff. As they had no chance of promotion whatever, some progressive rate of pay for them would be but fair. All naval men would allow that the warrant officers were some of the most valuable men in the ship. Men lost by becoming warrant officers and therefore for the last 25 years we had not nearly so good a class as we might have had. [Mr. CHILDERS said, he had increased their pay.] Yes, but not so much as it ought to have been. The question as to promotion and retirement was one of money. It was to be hoped that next Session the First Lord of the Admiralty would ask for more money, not so much for the sake of the naval officers as for the sake of the country, because the discontent in regard to promotion was very great indeed.

Mr. HUNT said, that the debate had been a very instructive one, and though he had given great consideration to the subject he was not sorry that the debate had taken place, as by means of it they had had the opportunity of learning the views of the gallant Officers who had addressed them. He stated, in moving the Navy Estimates, that he thought that the stagnation of promotion was very disadvantageous to the Service. While he would have been unable to agree to the proposition of his right hon. and gallant Friend, as it was originally presented to them, he could not but assent to it in its altered form. That was to say he acknowledged that the present system of retirement had failed to bring about a due flow of promotion. It seemed to him impossible to resist that conclusion. Before dealing with the main question he would touch upon one or two points which were not immediately connected with it. As to appointing an "outsider" as chaplain to the Arctic Expedition, he could assure the chaplains in the Service that he had not intended to cast any slight whatever upon them. Originally, a regular naval chaplain had been chosen, but the medical officers had refused to pass him. The number of volunteers for the post had been extremely small, and many considerations had to be kept in view in making the choice. It had been thought desirable to get a man without a family. It had been necessary to consider whether his theological opinions were such as would not give rise to bickerings, and whether he was of a genial temperament and disposition. No doubt, there were many men suitable for the post at present at foreign stations; but it had been thought undesirable to bring one home and at great expense replace him. Moreover, it had not been decided to have a chaplain at all until the arrangements were very far advanced. The choice which had been made seemed to him very satisfactory, and under an Order in Council it had been perfectly competent for him to make the appointment. His right hon. and gallant Friend had alluded to the question of the Marines. The difficulty of dealing with that question arose from circumstances outside of the Admiralty. A few months ago, when he pressed the Treasury on the subject, the answer he got was, that it was impossible to deal

with it till a conclusion had been come to with reference to the labours of the Commission which had been considering the subject of promotion and retirement in the Army. His right hon. and gallant Friend asked why the question of the stagnation of promotion in the Marines should not be submitted to that Commission. Well, there was no officer of the Marines on that tribunal, and he had reason to think that the Marines would be satisfied if an officer of that corps were placed on the Commission; but he found that a reluctance existed on the part of the military authorities, after the Commission had been appointed, either to increase the number of its members or to enlarge the scope of its inquiry. He therefore hoped that that highly valuable corps would not think that he in any way disregarded the grievances under which they suffered; and it was his earnest wish, as soon as circumstances would allow of it, to see if he could not induce the Chancellor of the Exchequer to enable him to do something for their benefit. As to the general question of the effect of the Order of 1870 on the flow of promotion in the Navy, the right hon. Member for Pontefract (Mr. Childers) had given them an interesting statement of the reasons which had actuated him in proposing that measure. He had described the evils resulting from the overcrowding of the List, principally arising from the entry of too many cadets, and also the necessity there had been of adopting a drastic measure to get rid of the difficulties with which the Admiralty had to contend. He had no reason to dissent from the general view which the right hon. Gentleman opposite had put before the House on the subject. He felt it to be desirable to stop the accumulation of the service at the fountain head, and not to permit a greater admission of boys than was likely to be wanted. He had previously stated that he thought it desirable that there should be an entry of more cadets now than was necessary before it was determined to do away with the navigating class of officers. But with that qualification he believed that the numbers suggested by the right hon. Gentleman were not very far out. He also agreed with his views as regarded the necessity of finding as much employment for officers as they could, if they wanted to keep the List effective.

*Mr. Hunt*

It was true that the promotion of officers no longer went by favour; but he understood the right hon. Gentleman to say that all officers were now equally entitled to promotion. [Mr. Childers explained that what he had said was that all officers now considered themselves equally entitled to promotion.] He agreed with his noble Friend (Lord Charles Beresford) that if they wanted to stimulate the zeal of officers they must lead them to look for promotion as their reward. It was impossible that all officers could be promoted. There must be a certain number who, either from want of natural ability or want of attention to their duties, or from other causes, must be content to see others pass over their heads; and if promotion was to be entirely by seniority, he believed the greater part of the energy of the Service would disappear, and the List would by no means be an efficient one. Of course, it was no doubt mortifying to an officer against whom there was no record of any particular fault to see others put over him; but it was necessary that selection should be made for promotion in order to stimulate officers to the zealous discharge of their duties. His right hon. Friend had given some figures showing the flow of promotion since 1870. He also had been furnished with calculations showing that while in the promotions to flag rank greater quickness was anticipated, in the lower rank this was not the case, and that the expectations of his right hon. Friend in 1873 were by no means likely to be fulfilled. Looking forward, in fact, to the next nine years, the careful estimates with which he had been furnished fully bore out the statement that the present system had failed to give a quick flow of promotion. For example, according to the best calculations he could procure, the captains' List would not be brought down to 150 till the year 1885. His right hon. Friend had made several suggestions which would receive from him the most attentive consideration—many of them had already been discussed by him and his Colleagues with the greatest care and attention. He hoped, however, he would excuse him if he did not enter more into detail on the present occasion. He saw signs of dissatisfaction in the Service, because nothing had yet been done to cure the stagnation in the flow of pro-



motion. The question was, however, one of extreme difficulty, and being new to his present office, he felt that it would be extremely wrong in him to deal with it in a hurried way. The Treasury had to be consulted in the matter, as it was one which must necessarily involve considerable additions to the Estimates. He mentioned that, because he was unable to say whether he should be in a position to lay a scheme before the House during the present Session or not; but if the Admiralty could devise any such scheme in time to lay it before the Treasury, and could obtain their assent to it there might be a chance of bringing it before the House this year. He could not, at the same time, make any positive statement on the subject; but he hoped at an early period of next Session to be able to call the attention of the House to the subject, and to submit to it a proposal with respect to it. In the meantime, he hoped the Service would not think that he was not fully alive to the evils which arose from the existing state of things. He had no hesitation, he might add, in accepting the Motion of his right hon. and gallant Friend behind him, as it was now worded, but he could not assent to the Amendment.

MR. GOSCHEN, wishing to have Party feeling excluded from the consideration of this question, suggested that both the Amendment and the original Resolution—which was, in fact, a Vote of Censure upon the last Board of Admiralty—should be withdrawn. The right hon. and gallant Baronet might well be content with the debate, and the pledges that had been given by the Government.

MR. A. F. EGERTON said, it had not originally been the intention of the Government to adopt the Resolution of the right hon. and gallant Baronet; but they had submitted to him a modification of it, which they would be willing to receive. Under these circumstances, they had no difficulty in acting upon the suggestion of the right hon. and gallant Gentleman.

SIR JOHN HAY consented to withdraw his Resolution on the assurance of the First Lord of the Admiralty that he would himself deal with the question.

Amendment and Motion, by leave, *withdrawn*.

House adjourned at half after  
One o'clock.

## HOUSE OF COMMONS,

*Wednesday, 2nd June, 1875.*

MINUTES.]—PUBLIC BILLS—*Ordered*—Chelsea Hospital (Lands) \*.

*Second Reading*—Landlord and Tenant (Ireland) Act (1870) Amendment [35], *put off*; Saint Paul's Cathedral (Minor Canonries) \* [179]; House Occupiers Disqualification Removal \* [164].

*Committee—Report*—Metropolis Local Management Acts Amendment (*re-comm.*) \* [153].

*Third Reading*—Local Government Board's Provisional Orders Confirmation (No. 3) \* [165], and *passed*.

### MERCHANT SHIPPING ACTS AMENDMENT BILL.

#### PETITION PRESENTED.

MR. MAC IVER presented a Petition from Working Men's Associations connected with the Shipping Trades of the Port of Liverpool, and expressed his entire concurrence with their views. He said that immediate legislation for the prevention of overloading was not more necessary than a proper system of survey as regards vessels not already sufficiently surveyed by the Registry Societies. Shipowners might be beyond the reach of legislation based on the principle of personal responsibility; but their vessels were within reach of legislation based on the principle of inspection.

The following is the text of the Petition:—

“To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

“The humble petition of the United Shipping Trades Council, being the representatives of working men engaged in trades connected with the Shipping of the Port of Liverpool. Respectfully sheweth—

“That your petitioners earnestly desire to call the attention of your honourable House to the great and, as your petitioners believe, preventable loss of life which occurs by the foundering of vessels.

“That, in the judgment of your petitioners, much of this loss of life arises from the absence of a proper system of inspection in regard to the conditions under which vessels go to sea.

“That your petitioners believe many Shipowners are personally unacquainted with practical details either in regard to the construction and repairing of vessels, or in regard to their loading.

“That your petitioners desire to see Shipowners made responsible for the condition in which their vessels go to sea; but cannot close their eyes to the fact that it is very seldom done.

“That your petitioners believe many Shipowners are beyond the reach of such legisla-



tion, but that their vessels would not be equally beyond the reach of a proper system of Government inspection.

"Wherefore your petitioners humbly pray that your honourable House will be pleased to provide such inspection, and will during the present Session of Parliament enact a short measure such as shall not merely prevent overloading, but shall also cause the vessels themselves to be built of sufficient strength and to be maintained in a proper state of repair.

"And your petitioners as in duty bound will ever pray, &c."

LANDLORD AND TENANT (IRELAND)  
ACT (1870) AMENDMENT BILL.

(*Mr. Crawford, Mr. Richard Smyth, Mr. Thomas Dickson, Mr. Macartney.*)

[BILL 35.] SECOND READING.

Order for Second Reading read.

MR. SHARMAN CRAWFORD, in moving that the Bill be now read the second time, said, that this question of landlord and tenant in Ireland had many times been inquired into by Committees and Commissions. The Land Act of 1870 was intended as a final settlement of the question. In his opinion, the right hon. Gentleman the Member for Greenwich deserved the thanks of the country for bringing forward that measure, and for the zeal he had manifested in carrying it through Parliament, for without his aid and strenuous exertions, the proposal would never have been brought to a successful conclusion. It had, however, failed to carry out the intentions of the Legislature; nor was that to be wondered at—it was not to be expected that one Act of Parliament would dispose of all questions between landlords and tenants in Ireland. Nor was this legislation at all singular in this respect, for they had every Session precedents in the shape of Amendment Bills. If the Act had passed through Parliament as it was originally introduced, it might possibly have carried out the intentions of its framers more completely; as it was, it had been found that it had failed of satisfying the expectations with which it was passed. Now, the present Bill was intended to make more clear the tenant-right of Ulster, and to give to the tenants in that province the same security they had formerly enjoyed, but which had been greatly interfered with by the Act of 1870. All that he need now say about the Ulster tenant-right or custom was that it was almost general throughout Ulster. Under it the tenants felt

such security that they laid out their capital on their land, made improvements, and applied their labour to their farms. The custom being universally acknowledged and acted upon, the tenants felt they had security; they enjoyed prosperity and contentment; they had a quiet and peaceful life, while at the same time they fully and freely acknowledged the rights of the landlords. He must remind the House that the only security the tenant had for the outlay of his labour and capital was the inviolability of the tenant-right custom. Fifty or sixty years ago there was an attempt on the part of some landlords to set aside the Ulster customs by the introduction of certain "usages," as they were called in the Land Act; but where the custom was ousted, evictions and depopulation followed, and there being at that time no Poor Law, the people were driven to poverty, sometimes—too frequently, indeed—to absolute starvation, or it might be the whole population were driven out of the country. This state of things went on for years, and it was to secure to the Ulster tenants their rights that his father brought forward legislation with the view of preventing those evictions. The present Bill related to Ulster, and Ulster tenant-right alone. He and those who acted with him were not forgetful of other parts of Ireland—indeed, a Bill had been drafted having reference to the security of the rights of tenants throughout all Ireland; but such difficulties were found to exist relative to the other Provinces that the portion of the Bill outside Ulster had to be given up. What they now sought was a measure to secure, restore, and strengthen the tenant-right custom of Ulster. He would be quite ready to assist the hon. and learned Member for Limerick (Mr. Butt) in carrying through a measure to benefit the tenant-farmers of Leinster, Munster, and Connaught, either by extending the tenant-right custom of Ulster to those Provinces, or by means of some analogous measure. He contended that the Land Act of 1870 had failed, notwithstanding the intentions of its framers, to legalize the tenant-right custom of Ulster; but when that Act came to be administered, instead of being accepted as an admitted and unquestioned practice—instead of the Courts of Law holding the landlord bound by the custom,

the tenant was called upon to establish by the strictest proof what he claimed as a right, and any departure from the custom was taken as evidence against him. The object of the present Bill was to show clearly what the custom was, and to make the practice secure.

MR. SPEAKER reminded the hon. Member that the question now before the House was whether the Bill should now be read the second time. The hon. Member appeared to be going through the clauses *seriatim*; this was unusual on the Motion for the second reading, when the discussion was generally confined to the principle of the Bill.

MR. SHARMAN CRAWFORD said, it was the first time that he had conducted a Bill through the House, and if he had erred against the Rules of the House he must apologize. He would confine himself to the principle of the Bill. Since the Act of 1870 various attempts had been made to destroy the principle of the tenant-right custom. New office rules had been drawn up and new agreements made, the effect of which was to do away altogether with tenant-right and the advantages obtained under the Bill of 1870. In some instances those agreements, thus forced on the tenants, were accepted, and his rights became thereby destroyed. A new feature, too, entirely unknown under the old custom, sprang up. Where tenant-right was claimed, an attempt was made to raise the rent on the holdings, and sometimes to a large extent; thereby most materially affecting the interest of the tenant. The right of re-sale to an incoming tenant was also stated to be interfered with. This was essential under the old custom, and it was one which if it were abolished would to a considerable extent diminish the value of the Ulster custom. By such practices the proprietors of estates in the North of Ireland were not doing much for themselves or others. There were many Ulster landlords sitting on the opposite benches; but they would not say that tenant-right had ruined them. On the contrary, there were no better cultivated estates in Ireland, no rents more regularly paid, no tenants more content, respectable, or industrious. And why? Because their tenant-right had for generations been maintained inviolable. This was not a Bill directed against good landlords. If all landlords had been

good, neither the Act of 1870 nor this amending measure would have been necessary; but there was at present a feeling of discontent and insecurity on the part of the tenant-farmers of Ulster, which would continue to exist until they found themselves supported by the law in what they believed to be their rights. In this Bill he proposed nothing that was not borne out by the old tenant-right of Ulster. He wanted nothing more than that which hon. Gentlemen opposite had already conceded to their tenants; but short of that, neither he nor the Irish tenantry generally would be satisfied. Many years had elapsed since his father first proposed legislation on this subject in that House, and the measures he advocated were as nothing compared with the Act of 1870. His remonstrances were unheeded; he spoke to deaf ears; and the result was that they were eventually obliged to pass a more important and a more sweeping measure than would have been necessary if legislation had taken place in those earlier days. He asked the House now seriously to consider its position with that looming before them. He hoped, if this Bill were agreed to, that it would be a settlement satisfactory to the tenant-farmers of Ulster; and he should be happy to assist the other parts of Ireland to obtain a similar or such other settlement to extend to England, Wales, and Scotland, and which would give the tenant-farmers proper and sufficient security, so that the land might be improved to its utmost capacity. Since 1870 rents had increased, so that on that ground landlords had nothing to fear; while if the intention of the Act of 1870 was carried further by his Bill, it would bring to Ireland a greater state of peace and prosperity, and bring about greater union between landlord and tenant. In conclusion, he begged to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Sharman Crawford.*)

MR. GIBSON said, that having carefully studied what his hon. Friend had been pleased to call the principles of the Bill, he had not the slightest hesitation in asking the House to reject it. Whether regarded in its principles or in its details, it was essentially an extravagant, unreasonable, and entirely uncalled-for

measure—entirely uncalled-for either in Ulster or in any other part of Ireland. It seemed to him (Mr. Gibson) that the relations of the landlords and tenants of Ulster, if only let alone, were admirable. The usages which had been alluded to had grown up through the forbearance and generosity of the landlords, and the highest eulogy of that class was to be found in the fact that duties of imperfect obligation, which rested solely upon their sense of justice, had, in the course of generations, acquired the force of an absolute unwritten law. His hon. Friend had not sufficiently drawn attention to the law as it now existed. It might be thought, from such a proposal as was made by this Bill that the tenants of Ulster were suffering under some monstrous injustice—that the landlords were as a rule unjust and oppressive, and that the tenants were paragons of virtue and moderation. It was necessary to consider for a moment the incidents of the tenant-right of Ulster. What was Ulster tenant-right? As the right hon. Member for Greenwich pointed out in 1870, it varied in different districts, in different counties, and on different estates—in some parts of Ulster there was no usage at all: so that in the Act of 1870 the word “usages,” in the plural, had been properly adopted as an accurate description of the true state of things. These usages varied almost on every estate; but roughly it might be stated that under these usages the tenant had a right of sale, subject to the approval of the landlord. It was usual for the landlord to give a preference to persons who were already his tenants; next, he would look to the relatives of the tenant who wanted to sell; and probably after them he would prefer a person belonging to a neighbouring estate—his object always being to fix upon someone who had already some association with the land. It was very rarely the case that this power was harshly or oppressively used. Surely, it was right that the landlord should have a voice in the selection of a tenant, for the outgoing man was perhaps leaving the country and in future would have no concern whatever with the property, while the character of the new tenant was a matter of very great moment to the landlord. As to the price to be paid, there were different modes of regulating it. On some estates—on very few, how-

*Mr. Gibson*

ever—the price was ascertained publicly by auction: on others it was fixed by means of private and friendly inquiries; on others by arbitration; while, in other cases, the landlord would allow the outgoing tenant to get so many years' purchase of the land, or to get so much per acre. There was a prevalent desire to give almost anything to get into the possession of land, and the landlord's power of restricting the price was of great advantage in checking that disposition. It had already been stated that the Ulster usages did not prevail over the whole of Ulster, and that there were parts of the Province where no usages existed at all, and where the ordinary common law of the country prevailed. That was an important circumstance to bear in mind when one came to consider the sweeping measure now before the House. His hon. Friend had alluded to his father the late Mr. Sharman Crawford; but surely no one who had known that gentleman could doubt that he would have opposed a Bill of this character? Nothing more transcendently beyond the views of that eminent Irishman could be conceived. Although the consent of the landlord was the essential principle of the Ulster usages, the Bill now introduced by his hon. Friend was intended to prevent him from having a word to say in the matter—neither as to the incoming tenant nor as to the price to be paid was his consent to be required—every one might consent except the landlord. There was another circumstance to be borne in mind when it was attempted to define and restrict within fixed limits the varying customs of Ulster. In 1870 the right hon. Member for Greenwich not only stated that the essential distinction of Ulster custom was that it rested upon the consent of the landlord, and that in some parts of the Province there was no tenant-right at all, but that it was utterly impossible to define the usages which did exist. The Cabinet of that day tried repeatedly to fix upon a definition, but without success. The hon. Member who had introduced the present Bill, and those acting with him, were wiser in their generation, and, boldly grappling with the difficulty, had set forth what they regarded as the essential elements of the various usages. A little consideration would show that the present position of Ulster with respect to tenant-right was exceptionally good. All the usages,

whatever they might be, which had previously rested upon goodwill merely were by the Land Act made absolutely and entirely legal. But, more than that, the Act left the tenant at liberty either to rest upon the custom, or to avail himself of the provisions as to compensation which were considered good enough for Leinster, Connaught, and Munster. There was a good dash of Scotch blood among the people of Ulster, and no doubt they were well able to decide for themselves as to which of these courses would be the more advantageous. If he pleased—that was, if he saw it was more to his advantage—he could go upon the general law, or if he thought it would pay him best he could go upon the Ulster usage. In the history even of the British Parliament there never was passed a measure of such vast dimensions as that of 1870. According to a statement of the late Sir John Gray, a great advocate of the tenants, the Act of 1870 transferred £18,000,000 of property from the landlords to the tenants of Ireland. In the history of Parliament there had never been such a transfer of property from one class in whom it was legally invested to another class, without one farthing of compensation being given. All the great statesmen who took part in it treated it as a final settlement of the difficulties which had been agitating Ireland for a great many years. Now, after the lapse of only five years, a further sweeping measure was proposed, and it appeared from the candid expressions of his hon. Friend that it was intended to be a means of enabling him and others to lend a helping hand towards passing a similar measure for the other Provinces of Ireland. His hon. Friend had even expressed a hope that before long something of the same kind would be done for England, Scotland, and Wales. So they were asked to start upon a new wave of agitation, beginning with Ulster and ending—God knew where. The present Bill might be roughly summarized in the statement that it selected all the strongest incidents of the most favourable customs in any part of Ulster and proceeded to say that they should be held to apply in every part of the Province—even where the usage was more restricted, or where there was absolutely none at all. It was a Bill not to legalize usages, but to create usages. It was

not a Bill to explain the law, but to make the law. The Land Act made the existing usages legal, and the effect of the present Bill, therefore, could only be to make legal that which at present did not exist. What right had the Ulster tenants, in justice or in fair play, to get more than the legalization of any usage which existed? What right had they to have something made law that was not at present law? The Bill cast on every landlord the *onus* of proving a negative? When the Ulster tenant sought, over and above the advantage of the general law, to get the benefit of a special usage, the landlord must prove that the tenant was not entitled to the special right which he claimed; and, if he did not prove that, the tenant would only have to walk into Court with that Bill—at which the late Mr. Sharman Crawford himself would have shuddered—and the landlord must pay. One of the essential principles of the Bill was unrestrained sale. It was obviously not for the interest of the tenant-farmers of Ulster that they should have any such power of sale, because if the outgoing tenant was enabled to get the most extravagant price he could wring by competition in Ireland from the incoming tenant, the latter would be placed in a very difficult position, and the gravest possible danger would result. He believed that the tenant-farmers themselves would view the proposition with the greatest distrust. Another provision, of an amusing if not of an audacious character, was that somebody who was not named was to have the power of valuing the rent; so that if the landlord tried to raise the rent—perhaps by a few shillings—there would be frequent applications to that undefined tribunal to prevent it; while, in the case of the tenant who had run himself out by the extravagant price he had given to his predecessor, the attempt would be made to get the rent reduced at least for a time. The fundamental principle underlying the Ulster tenant-right was that the landlord had absolute power in selecting his tenant—and undoubtedly if the power of retaining landed property was to exist at all in Ireland, it was only reasonable that the landlord should have some little voice in the management of his own estates. This Bill, however, upset all that—it proposed that the landlord should be



bound to accept whoever was tendered to him as a tenant if he was not ready to put into black and white something which somebody would decide was a reasonable objection. Surely that was an audacious proposal. There were a great number of things which went to make up a good or a bad tenant which it was not easy to reduce into an exact definition. A man who had been to Australia and had returned with a little money might be tendered as a tenant, and, for various reasons, the landlord might not care to have him; but he was to be compelled to take him, or prove at some sort of judicial inquiry that his objection was reasonable. Was not that an absolute mutilation of the landlord's right of selection? How was it possible for such a provision to be worked? He contended that danger and confusion would arise out of such an arrangement. Moreover, it would create a gross injustice, for he held it to be utterly undeniable that the landlord ought in all cases to have a substantial voice in the selection of his own tenant. Really it was very hard to tell what were all the principles of the Bill, or how far its pernicious suggestions might not extend. He had pointed out some of its more glaring defects, but it was even very much worse than he had yet described. It appeared that there might be an appeal from the inferior tribunal to the Court for Land Cases Reserved to say whether, under all the circumstances, the landlord's objection was a reasonable one—the *onus*, as he had said, was thrown on the landlord to prove that the land was not subject to some special usage—and yet he was not to be allowed to prove the negative by any of the usual reasons that would be recognized in an ordinary Court of Justice. It might be reasonable, if a tenant-right existed in a particular district, to allow that tenant-right to attach at the termination of a lease; but that was not what was done by the Bill, because under the Bill it was to be presumed that the usage was not the usage of the district, but one of the widest character; regardless of the fact that it was a particular usage which was to attach on the expiration of the lease. Again, the landlord might have purchased or otherwise acquired the tenant-right; it might have been surrendered to him by a former tenant; and on what principle of equity was the tenant to ob-

tain the benefit of a special usage for which he had given nothing, and which had been surrendered to the landlord by some person with whom he was in no privity whatever? In a case in which a usage had lasted for a substantial time, say a generation or two, and assuming that the tenant might only have come in at a restricted price, say £5 an acre, what would be the justice of saying that this man should be able to get from the incoming tenant £20 or £25 an acre, or whatever other sum he could wring out of him by competition? He was now speaking, not for the landlords, but for the tenant-farmers of Ulster. The last proposal of the Bill he should touch upon was the one which proposed to give to the tenant the power of selling by auction. What would be the result of such a provision as that? Let them test its application to any estate in England. Let them imagine a man employing an auctioneer and working up the figure to the greatest possible pitch in his power. That would be neither reasonable towards the landlord or the tenant, and he should be much surprised if Parliament were to listen to it for a moment. What must be the consequence? That a tenant who had given his all for the purchase of the right would strip himself of the capital essential to the development and ordinary working of the farm. They had been told by his hon. Friend—perhaps with too much frankness—that this was to be extended in time, when they saw their way, to England and Scotland. It was said, in justification of the proposal, that it was at present practically a legal proceeding in the greater part of Ulster. That he denied—the estates in Ulster, where those sales by auction occurred, were really few, and formed no substantial part of the Province. Within the last few weeks that question had been decided in Ireland by Chief Baron Palles. In that case it was sought to be shown that a person who had bought under a sheriff's execution at an auction was entitled to be put upon the landlord and to get the benefit of the tenant-right, and that sale by auction should be regarded as an incident of the usage. The Chief Baron, however, said that was no part of the usage, and was inconsistent with the portion of the custom which gave the landlord a voice in the nomination of a new tenant. If the proposal with regard

*Mr. Gibson*



to sale by auction were legalized, they would have more unwelcome visits from the sheriff's officer in Ulster than they had heretofore; and then they would not see in that Province what had hitherto been witnessed there—namely, so many families remaining under the same landlords and in the same holdings for centuries—the introduction of the system of sale by auction would put an end to that. Having gone carefully over the entire Bill, he had failed to discern any substantial benefit to the landlord under its provisions—there would be no such benefit—on the contrary, under the Bill the landlord was treated as a kind of interloper, and everybody had a right to interfere with his property but himself. He was to be burdened with legal presumptions; he was tied neck and heels, and was not to discharge himself by any of the ordinary modes by which they could be rebutted. A Bill more extravagant in its details, or more utterly unreasonable in its principles, had never been introduced in that House. If the measure was good, why did it stop short at Ulster and not extend to Cork and Galway? No case had been made out, however, for giving it any consideration whatever. The Ulster tenants were in a better position than any others in Ireland, and if the agitation were allowed to die out they would be satisfied with things as they were—as, indeed, he believed the majority of them were at present. Legislation could not do everything for a country, which must sometimes do something for itself. They could not be eternally looking to Parliament to regulate the minutest circumstance of every possible relationship. Ireland was now prosperous, emigration was diminishing, the deposits in the savings banks were vastly increasing, and the House would do well to leave the relations between landlord and tenant in Ireland to be regulated by existing legislation, by the working of the ordinary economic laws, and by the growth of mutual goodwill and forbearance among both of those classes. The hon. and learned Member concluded by moving that the Bill be read the second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Gibson.*)

MR. BUTT said, he was anxious to rise early in the debate and state shortly why he should support the Bill, though it only extended to the Province of Ulster. He wished the hon. Member who had introduced the Bill had shown the logical necessity, when they were giving security to the tenant-right of Ulster, of extending something like the same protection to other parts of Ireland; but as he had not done so, and had taken another course, leaving the duty to him, he could not avoid supporting the Bill, because to his mind it did nothing more than a most simple act of justice to the tenants of Ulster. If any Representative for Ulster had risen to move this Amendment, he thought the House would have had a more accurate description of Ulster tenant-right than the hon. and learned Member who had just sat down (Mr. Gibson) had given them. Ulster tenant-right was no new law. It had long existed as an unwritten law, and had the force of law—it was a custom, in fact, which long usage had made binding, and which in honour, justice, and truth was as binding on landlord and tenant as any of the customs of society that bound them all, and which no man could violate, though there existed no legal means of enforcing them. It was a misrepresentation to say that the tenant-right of Ulster was altogether founded on the goodwill of the landlord. Its origin was clear enough. If the hon. and learned Gentleman would turn to the Report of the Devon Commission of 1845, and to the evidence which that Commission took, he would find it was plain enough. When James I. distributed among the "Undertakers" the confiscated lands of the proprietors in the nine counties of Ulster, every grantee got them under a distinct covenant and undertaking to have no uncertain tenures on his estate, but to plant them under persons holding on long leases. When the Undertakers got their lands, however, they began to neglect the undertaking they had given, and to such an extent did this neglect prevail among them that there was in existence an extraordinary document, a survey made by Sir James Skinner by order of James I., who directed him to ascertain whether the stipulated conditions had been respected. Sir James Skinner visited the estates accordingly; and he found that in all cases the grantees

had neglected the condition of their grants. He reported all this to the King, stating in his Report that there was not one holder who had not violated the terms of his grant. The tenants, on the faith of the grants, had improved the lands, built the houses which the proprietors required to be built, and had created a value for their properties, which had endured until this day. The success that had attended their labours, and the prosperity which that part of Ireland enjoyed, had often been attributed to the fact that those men were Protestants; but, looking perhaps to the significant fact that they had arms in their hands—he quoted from Lord Devon's Commission, and to the evidence which was given before that Commission—he was rather of opinion that that success and that prosperity should be attributed to the sense of security under which, in those circumstances, they carried out their labours. Of so much importance was tenant-right regarded by that Commission, that they told the Government that if there were any attempt on the part of the landlords to interfere with tenant-right in Down, all the military force the Horse Guards could send there would be unable to preserve the peace, and Down would become another Tipperary. And why so? Because religious distinctions had made it the policy of the Government to disarm and to crush the South, which was Catholic. The North was Protestant, and had arms, and was secure and prospered. The South was Catholic, it was disarmed, and it was crushed. These were things the hon. and learned Member opposite (Mr. Gibson) either had not studied or had forgotten. The security of tenure which existed in Ulster became a custom that was enforced by law; and Lord Devon said it was owing to the tranquillity which Ulster thus enjoyed that the Province prospered as it had done. The Government recognized the custom, and it was by the recognition of the custom that the question should now be judged. No doubt, the custom had not the force of law, but it was exactly analogous to the custom which had grown up in England under the name of copyhold tenure, and which was as much a part of the law of the land as if it had been created by statute. But the Legislature had thought it reasonable and right to give the force of law to the Ulster tenant-

right, and that was the foundation of this Bill. If the details of this Bill were open to objection, they could be amended in Committee; but the principle of the Bill was that the Ulster tenant-right, as defined and intended to be given by the Land Act of 1870, did require further protection; and, also, that the restrictions in the price to be got by the sales should be abolished. Remember that this was an ancient custom, which ought to be a written custom. In ancient times the tenant sold his interest in the property, and was entitled in a further degree to the value which his skill and improvements had given to the land. He thus acquired an additional right in the land, and had a right to sell it to the highest bidder. In ancient times the tenant sold his interest in the property to the highest bidder, with only one restriction—namely, that he was not to force an unreasonable tenant on his landlord. Who, it was asked, was to judge of that? He answered that the unwritten law which bound landlord and tenant had judged it before; and the landlord would no more refuse, in the opinion of his neighbours, a reasonable tenant, offered by the outgoing tenant, than he would raise his rent unjustly. Moreover, that was judged at present in the Land Court, on questions of valuation of Ulster tenant-right. Professionally, he had never known a case in which an indiscriminate right of rejection was alleged by a landlord. Having seen a sort of embryo copyhold growing up against them, the landlords of Ulster began to restrict the right, and a rule was made on some estates that the tenant should not sell his interest for more than ten or seven, and, in one instance of which he had heard, for not more than two years' purchase of the fee. If justice demanded that certain usages and customs should be legalized, why should restrictions be placed on the sale of property which the tenant had so acquired? In truth and justice, he should not be subjected by his landlord to restrictions in the sale of his land. His hon. and learned Friend the Member for Dublin University showed great anxiety for the interests of the incoming tenant-farmers; but would restrict the interest of the outgoing farmers under their ancient custom. Why should they not put restrictions upon the landlord as well as on the tenant? There was just as much

*Mr. Butt*

right to control the one as the other; and to give a power to the landlord and withhold it from the tenant would be an act of confiscation. His hon. and learned Friend said, would you prevent the landlord from raising the rent? He (Mr. Butt) would maintain the tenant-right of Ulster, and he was astonished at the view taken of the question by his hon. and learned Friend, for it was the essence of the tenant-right custom of Ulster, that the landlord should not raise their rents unreasonably. In the county of Armagh, where tenant-right prevailed, there was a landlord who raised his rent 2s. or 3s., and the tenants acquiesced; in another year he raised the rent 2s. more, and they acquiesced; and a third time he raised the rent an additional shilling. The tenants then said—"This is carrying it too far; now it is time for us to stand against it," and one of them, a widow, resisted and left the land. She brought an action, and he (Mr. Butt) advocated her right, and the case resulted in the Chairman awarding her £700 compensation against the landlord. In another case where the landlord raised the tenant's rent, the tenant sought compensation, and exclaimed in Court—"I have laboured on this land from sunrise until I saw the stars shine out at night. I have laboured in the ditches and brought the land into improved condition, and this injustice is imposed upon me." Upon good landlords like the Duke of Abercorn and the Marquess of Downshire, who had recognized and acted upon the just principles of tenant-right, the opponents of the measure would place restrictions, and would give a premium to the oppressive and tyrannical landlord. Was that justice? No? it was trying to overthrow Ulster tenant-right. The question had also arisen whether Ulster tenant-right could countervail the covenant contained in all leases to give up all improvements at the end of the lease. The Chief Justice of the Court of Common Pleas in Ireland (Chief Justice Whiteside) decided that it did. It was not a question of custom, but a question of a lease coming in conflict with the Common Law unfortunately. When the case came on to be argued the landlord died on the very day, and the point had consequently remained undecided. Now, if they would really recognize the Ulster tenant-right, which had all the

sanction of usage, and which descended from father to son, he asked them not to do anything that could injure that right, and if the tenant had a property under the Ulster tenant-right, he had a right to dispose of it in the best way he could. They had legalized the Ulster tenant-right, and no man could say he had not a right of property under it. He (Mr. Butt) maintained that a tenant in such a position had just as much right to dispose of his property in the land as the landlord had. He regretted exceedingly that some such provision had not been made for the rest of Ireland; but he had nothing to do with that now. In Ulster at least it was an act of direct justice; but he might use the words of Chief Justice Whiteside when he visited Italy and saw what tenant-right had done. In Tuscany and other portions of the country the ordinances of the Emperor Joseph had covered the hills with vegetation. The learned Judge exclaimed—"Is it not melancholy that our statesmen, who have done all this for Ulster, should not have done it also for the rest of Ireland?" That was the language of an eminent statesman and Judge. It was not differences of religion or of race that had caused the difference now in the condition of the North of Ireland and the South, but the fact that there had grown up around Belfast and in its vicinity a people trained in the sentiment of security, an act of right which if given to the South of Ireland would cause it to become as peaceful, as loyal, and as contented as Ulster.

MR. GOLDNEY said, he considered the Bill to be simply a transfer of the property of the landlord to the tenant. It was a direct measure of confiscation, entirely antagonistic to the principles of the Irish Land Act of 1870, and contrary to all the promises and statements then made in the House as to the scope of Ulster tenant-right. The Solicitor General for Ireland then laid it down distinctly that the presumption of law would not be in favour of the custom, because the law required that the tenant should prove that his holding was subject to it; and the Ulster tenant-right was defined very clearly to be the right of a tenant to part with his interest in the property concerned, subject to the rule of the estate, and, in most instances, subject to the approbation of the landlord as to the new tenant: and after the

Bill had been introduced a clause was added, expressly providing that where this right had once been abrogated by purchase by the landlord it was not to be set up again, yet here was a Bill introducing an entirely new set of rights for the tenant, and this within five years after the passing of an Act which was declared to effect a general settlement. He had looked upon the hon. and learned Member for Limerick (Mr. Butt) as one of the soundest Conservative Members in the House, but the views he had expressed on the present subject had a little startled him. What the hon. and learned Member contended was that, tenant-right having been legalized, they must now determine what that right was. A new right, in fact, was to be built up which the hon. and learned Member hoped would be extended to the whole of Ireland and hereafter to the whole of the United Kingdom. The Bill was brought forward at a most unfortunate time. Ireland, like England, required to have capital infused into the land, and for that purpose it was necessary that the tenant should be able to secure a fair return for the benefit which he passed on to the incoming tenant, while at the same time security was given to the landlord against excessive claims. But this Bill set up entirely new rights for the tenants of Ireland far beyond what had ever been dreamt of in respect to the tenants of England. The Bill professed only to deal with the occupiers of land in the Province of Ulster, but there could be no doubt that, if passed, immediate steps would be taken to extend its principle to the whole country, and so to absorb every possible interest which the landlords possessed in their properties by vesting the entire property in the soil in the tenants. He hoped, therefore, that the House would reject the Bill by a large majority, on the grounds that it came immediately after the passage of an Act dealing with the same subject by a powerful Government, and with the general assent of the community; that, though from its Preamble it might have been expected to review, illustrate, or explain the principles of Ulster tenant-right, it did no such thing; and that it came at a time when several Bills dealing with the question of tenant-right in England were passing through Parliament. Attempts to tamper with the laws affecting the holding of land

must of necessity render property insecure, and therefore such experiments ought not to be made, except after very grave consideration and in the face of urgent facts. No such circumstances existed in the present case, and therefore he urged the House to reject the Bill.

MR. MACARTNEY said, surprise had been expressed at the fact that his name, he being a Conservative Member, should have been found on the back of the present Bill. The explanation of the circumstance was to be found in the fact that, in his view of the matter, Parliament ought to conserve the rights of the tenants as well as those of the landlords. The prosperity and stability of the landed interest depended upon landlords and tenants mutually respecting each other's rights, and it was in order to promote this that the present Bill had been introduced. He did not approve all the proposals which the Bill contained; but he had allowed his name to be put upon the back, in the hope that it might be sent before a Committee, where the objectionable portions might be removed. The real principle of the measure which in his view of the matter deserved support was that when a tenant in the North of Ireland sold his tenant-right, he should be entitled to receive the full market value for it. It was desirable that the discontent which now existed should be removed. On the whole, advantage had followed the passage of the Land Act of 1870 in that it had worked justice for the tenants of bad landlords; but it must at the same time be admitted that in some cases neither landlords nor tenants derived any advantage at all from the measure. The Act had worked well where the landlords had treated their tenants justly; but it failed just where its operation was most needed. He believed that the landlords of Ireland had been greatly maligned as a body. The idea had prevailed in this country that every Irish landlord was a grasping man, seeking to get all he could out of the tenant, and that every Irish tenant was actuated by a somewhat corresponding feeling towards his landlord. He had had a good deal to do with the management of land in the North of Ireland, and in most districts which he knew there was a feeling of respect and consideration on the part of the tenant towards the landlord. But this was not the class of landlords with

*Mr. Goldney*



which it was sought to deal. The present Bill proposed to cure the defect in the Act of 1870 by dealing with the cases of property held by owners who, within the last 30 years or so, had bought lands in the Encumbered Estates Court and refused to pay any regard to the custom under which the estates were let prior to their entering upon possession—they treated the matter as a mere question of profit and loss, raising the rents and turning out the tenants if they would not pay the advance. The arguments of the hon. and learned Member for the University of Dublin against the measure were to a great extent answered by the fact that in the counties of Down, Armagh, Antrim, and Derry, where tenant-right was almost universal, the rents were higher and the land fetched higher prices than in any other part of the country. If the hon. and learned Gentleman had practised in the Quarter Sessions Courts, where causes affecting the land question were tried, he would have possessed knowledge which would have preserved him from falling into that error. He saw no reason in the fact that Bills affecting the English land laws were before Parliament, why the present measure should not have been brought forward at the present time. The circumstances of the two countries in this respect were widely different, and he therefore hoped the House would pass the second reading and go into Committee upon the Bill.

MR. KAVANAGH said, he had listened in vain to the speech of the hon. Member who had introduced the Bill (Mr. S. Crawford) for any arguments which should induce him to support its provisions—indeed, if he might say so, he had wondered that any sane man could be found to support the measure. He had listened also to the speech of the hon. and learned Member for Limerick (Mr. Butt) with great interest—with all the greater interest because the hon. and learned Member had formerly held the office of Professor of Political Economy in Trinity College, Dublin—a fact which added value to the opinions which he expressed on this subject. It was clear that the hon. and learned Gentleman was thoroughly in earnest in the view he took; but it was equally clear that the illustrations with which he supported his arguments showed the existing law to be sufficient

for the protection of the rights of the tenants, in whatever part of Ireland their holdings might be. He did not wish to go minutely into the provisions of the Bill, but the interest he had always taken in the matter made him anxious to say a few words. When the Irish Land Bill was passing through Parliament, he went as far as anyone to protect the rights of the tenants, and though he was looked upon as taking an exceptional course, he had not seen any reason since to regret what he then did. He always regarded those clauses of the Bill which dealt with tenant right as the least satisfactory, because of the difficulty there was in obtaining from the Government of the day any clear and distinct definition of what in their view tenant-right really was. The present Bill was tolerably clear in its definitions, and its meaning, which was not to amend, but to repeal, in many of its material features, the Act of 1870. Its provisions were more stringent than any which existed in the minds of the framers of the Act of 1870, and gave powers to the tenants greater than they ought to have. If the Bill passed a tenant who from caprice or any other reason chose to give up his farm would be able to put it up to auction, and sell it to the highest bidder notwithstanding anything his landlord might have to say to the contrary. He was willing to restrain the landlords' capricious power of eviction, and to secure to tenants payment for permanent improvements effected by them, and also the re-payment of monies paid for the acquisition of their tenancies; but he could not support a Bill the effect of which would be to leave landlords with a mere rent-charge on their estates. He knew the case of a landlord in the North of Ireland who had expended a large sum of money in buying up the tenant-right on his estate, but if this Bill were to pass he might as well have thrown his money into the sea. He was glad to see the right hon. Gentleman the Member for Greenwich in his place, because he could explain what were the intentions of his Government when they passed the Land Act. In the interest of the tenants themselves it was to be hoped the measure would not be allowed to pass. If this principle of selling the interest in farms by auction were legalized it would be impossible for poor men to get farms at all, and un-



Bill had been introduced a clause was added, expressly providing that where this right had once been abrogated by purchase by the landlord it was not to be set up again, yet here was a Bill introducing an entirely new set of rights for the tenant, and this within five years after the passing of an Act which was declared to effect a general settlement. He had looked upon the hon. and learned Member for Limerick (Mr. Butt) as one of the soundest Conservative Members in the House, but the views he had expressed on the present subject had a little startled him. What the hon. and learned Member contended was that, tenant-right having been legalized, they must now determine what that right was. A new right, in fact, was to be built up which the hon. and learned Member hoped would be extended to the whole of Ireland and hereafter to the whole of the United Kingdom. The Bill was brought forward at a most unfortunate time. Ireland, like England, required to have capital infused into the land, and for that purpose it was necessary that the tenant should be able to secure a fair return for the benefit which he passed on to the incoming tenant, while at the same time security was given to the landlord against excessive claims. But this Bill set up entirely new rights for the tenants of Ireland far beyond what had ever been dreamt of in respect to the tenants of England. The Bill professed only to deal with the occupiers of land in the Province of Ulster, but there could be no doubt that, if passed, immediate steps would be taken to extend its principle to the whole country, and so to absorb every possible interest which the landlords possessed in their properties by vesting the entire property in the soil in the tenants. He hoped, therefore, that the House would reject the Bill by a large majority, on the grounds that it came immediately after the passage of an Act dealing with the same subject by a powerful Government, and with the general assent of the community; that, though from its Preamble it might have been expected to review, illustrate, or explain the principles of Ulster tenant-right, it did no such thing; and that it came at a time when several Bills dealing with the question of tenant-right in England were passing through Parliament. Attempts to tamper with the laws affecting the holding of land

must of necessity render property insecure, and therefore such experiments ought not to be made, except after very grave consideration and in the face of urgent facts. No such circumstances existed in the present case, and therefore he urged the House to reject the Bill.

MR. MACARTNEY said, surprise had been expressed at the fact that his name, he being a Conservative Member, should have been found on the back of the present Bill. The explanation of the circumstance was to be found in the fact that, in his view of the matter, Parliament ought to conserve the rights of the tenants as well as those of the landlords. The prosperity and stability of the landed interest depended upon landlords and tenants mutually respecting each other's rights, and it was in order to promote this that the present Bill had been introduced. He did not approve all the proposals which the Bill contained; but he had allowed his name to be put upon the back, in the hope that it might be sent before a Committee, where the objectionable portions might be removed. The real principle of the measure which in his view of the matter deserved support was that when a tenant in the North of Ireland sold his tenant-right, he should be entitled to receive the full market value for it. It was desirable that the discontent which now existed should be removed. On the whole, advantage had followed the passage of the Land Act of 1870 in that it had worked justice for the tenants of bad landlords; but it must at the same time be admitted that in some cases neither landlords nor tenants derived any advantage at all from the measure. The Act had worked well where the landlords had treated their tenants justly; but it failed just where its operation was most needed. He believed that the landlords of Ireland had been greatly maligned as a body. The idea had prevailed in this country that every Irish landlord was a grasping man, seeking to get all he could out of the tenant, and that every Irish tenant was actuated by a somewhat corresponding feeling towards his landlord. He had had a good deal to do with the management of land in the North of Ireland, and in most districts which he knew there was a feeling of respect and consideration on the part of the tenant towards the landlord. But this was not the class of landlords with

*Mr. Goldney*

which it was sought to deal. The present Bill proposed to cure the defect in the Act of 1870 by dealing with the cases of property held by owners who, within the last 30 years or so, had bought lands in the Encumbered Estates Court and refused to pay any regard to the custom under which the estates were let prior to their entering upon possession—they treated the matter as a mere question of profit and loss, raising the rents and turning out the tenants if they would not pay the advance. The arguments of the hon. and learned Member for the University of Dublin against the measure were to a great extent answered by the fact that in the counties of Down, Armagh, Antrim, and Derry, where tenant-right was almost universal, the rents were higher and the land fetched higher prices than in any other part of the country. If the hon. and learned Gentleman had practised in the Quarter Sessions Courts, where causes affecting the land question were tried, he would have possessed knowledge which would have preserved him from falling into that error. He saw no reason in the fact that Bills affecting the English land laws were before Parliament, why the present measure should not have been brought forward at the present time. The circumstances of the two countries in this respect were widely different, and he therefore hoped the House would pass the second reading and go into Committee upon the Bill.

MR. KAVANAGH said, he had listened in vain to the speech of the hon. Member who had introduced the Bill (Mr. S. Crawford) for any arguments which should induce him to support its provisions—indeed, if he might say so, he had wondered that any sane man could be found to support the measure. He had listened also to the speech of the hon. and learned Member for Limerick (Mr. Butt) with great interest—with all the greater interest because the hon. and learned Member had formerly held the office of Professor of Political Economy in Trinity College, Dublin—a fact which added value to the opinions which he expressed on this subject. It was clear that the hon. and learned Gentleman was thoroughly in earnest in the view he took; but it was equally clear that the illustrations with which he supported his arguments showed the existing law to be sufficient

for the protection of the rights of the tenants, in whatever part of Ireland their holdings might be. He did not wish to go minutely into the provisions of the Bill, but the interest he had always taken in the matter made him anxious to say a few words. When the Irish Land Bill was passing through Parliament, he went as far as anyone to protect the rights of the tenants, and though he was looked upon as taking an exceptional course, he had not seen any reason since to regret what he then did. He always regarded those clauses of the Bill which dealt with tenant right as the least satisfactory, because of the difficulty there was in obtaining from the Government of the day any clear and distinct definition of what in their view tenant-right really was. The present Bill was tolerably clear in its definitions, and its meaning, which was not to amend, but to repeal, in many of its material features, the Act of 1870. Its provisions were more stringent than any which existed in the minds of the framers of the Act of 1870, and gave powers to the tenants greater than they ought to have. If the Bill passed a tenant who from caprice or any other reason chose to give up his farm would be able to put it up to auction, and sell it to the highest bidder notwithstanding anything his landlord might have to say to the contrary. He was willing to restrain the landlords' capricious power of eviction, and to secure to tenants payment for permanent improvements effected by them, and also the re-payment of monies paid for the acquisition of their tenancies; but he could not support a Bill the effect of which would be to leave landlords with a mere rent-charge on their estates. He knew the case of a landlord in the North of Ireland who had expended a large sum of money in buying up the tenant-right on his estate, but if this Bill were to pass he might as well have thrown his money into the sea. He was glad to see the right hon. Gentleman the Member for Greenwich in his place, because he could explain what were the intentions of his Government when they passed the Land Act. In the interest of the tenants themselves it was to be hoped the measure would not be allowed to pass. If this principle of selling the interest in farms by auction were legalized it would be impossible for poor men to get farms at all, and un-

less tenants were absolutely rich they would be unable to stock and cultivate their holdings after they had expended the large amount of capital necessary for their mere acquisition. The Irish people were perfectly reckless as regards the price they would pay for the possession of a bit of land, and a more nefarious tax could not be imposed on them than by rendering the possession of a farm impossible except by the payment of a heavy price, which would be the immediate effect of this Bill becoming law. By a decisive repudiation of measures of this kind the House would do much to discourage that sensational legislation which was one of the products of the exercise of the agitators calling, and would do more to allay the wild hopes and discontent that had been thus created than could be done by the provisions of any Peace Preservation Act.

MR. LAW said, it was somewhat remarkable that though this discussion had now lasted a considerable time, no representative of any Ulster constituency had as yet addressed the House, with the exception of his hon. Friend the Member for Tyrone who supported the Bill. In opposition to it they had heard the strong observations of his hon. and learned Friend the junior Member for the University of Dublin (Mr. Gibson), who as had already been noticed, had still much to learn of Ulster tenant-right; and they had had speeches from the hon. Member for the County of Carlow (Mr. Kavanagh), who did not pretend to understand the custom, and from the hon. Member for Chippenham (Mr. Goldney), who could hardly be expected to know much of anything so merely Irish; but, strange to say, one Ulster Member only had expressed his views on a subject of such great importance to himself and his constituents. He hoped before this debate proceeded much further to hear the opinions of some hon. Gentlemen opposite, who at the last General Election professed a warm interest in the subject, and an anxiety to have the legal recognition of Ulster tenant-right by the Land Act of 1870 supplemented by provisions calculated to facilitate its enforcement. The Irish Land Act was indeed a great measure, and one the difficulty of which might be partially estimated to recalling the many abortive attempts of the preceding 30

years to effect any satisfactory settlement of the question. But it must be borne in mind that its enactments as to Ulster tenant-right were substantially confined to a single clause, which declared that the custom should thenceforth have the force of law, and be enforced in the case of any holding proved to be subject thereto. Now, practical difficulties had arisen in applying and carrying out this simple enactment, and with these the present Bill proposed to deal. However, before proceeding further, let him say a word upon the so-called transfer of £18,000,000 worth of property from the landlords to their tenants which some hon. Gentlemen opposite were so fond of attributing to the Irish Land Act. He begged to remind the House that many Conservative landlords voted for that measure; and to suggest that in so doing they very well knew they were not assisting towards the confiscation of their own property. What the Act did and what they deliberately voted for was, the placing of some reasonable restrictions on a landlord's unjust exercise of his superior power. The Ulster custom which the Courts should long ago have recognized as binding was brought within the protection of the law; and landlords were on the one hand made amenable in damages for capricious eviction, and on the other were debarred from confiscating the property created by their tenants' improvements—a provision which the supporters of the Agricultural Holdings Bill, now soon to be discussed, could hardly stigmatize as robbery. But it was said, Why attempt any fresh legislation?—that the Act of 1870 was believed to be a final settlement of the Irish land question—that since then only five years had passed away; and we should rest quiet for some unspecified period—perhaps a generation or two—or, at all events, he presumed as long as suited the convenience of hon. Gentlemen opposite, before we sought to effect any further amendment of the law. Well, he did not recollect that any principle of this kind had ever been observed by hon. Gentlemen when they themselves desired legislative change. In 1872, provision was made by the Licensing Act of that year for regulating the sale of intoxicating liquors throughout the United Kingdom. It was supposed

*Mr. Kavanagh*

to be a fair and satisfactory settlement of the matter; but that did not prevent the Conservative Party from listening to the complaints of their friends, and introducing a measure last year for the removal of the publicans' grievances. So, also, a few years ago we had an Act which nationalized all English endowments for intermediate education—and yet only last Session we saw the Government endeavour to carry a Bill which would have reversed the policy thus deliberately adopted. Need he mention Purchase in the Army, formally abolished in 1871, and now partially restored under the name of Regimental Exchanges? But he would pursue these illustrations no further. The truth was, that arguments for delay, such as he had been alluding to, did not impose on anyone—not even on those who used them. In this, as in other cases, they merely meant that hon. Gentlemen disliked the proposed measure, and yet could assign no good reason for objecting to it. It was, however, a total mistake to imagine that the Bill now before the House sought to undo the settlement intended to be made by the Act of 1870. Its object, on the contrary, was to carry out that settlement so far as the Ulster tenant-right custom was concerned. The Act of 1870, it would be recollected, declared that the usages, prevalent in the Province of Ulster, and which it stated were, as a matter of fact, known as “the Ulster tenant-right custom,” should be deemed legal, and in the case of any holding proved to be subject thereto should be enforced as afterwards provided. Now there were two things in this enactment to which he wished to draw attention—first, the declaration by the Legislature that the usages, though, perhaps, many in number, still all collectively constituted, and were in fact popularly known as one single custom; thus indicating as it seemed to him that the usages, however varying in their minor details, had a central principle common to them all: and, secondly, the declaration that this custom made up of these cognate usages was, as a matter of fact, prevalent throughout the entire Province of Ulster. What, then, was proposed by the present Bill, which had been assailed as utterly unreasonable in its principles and extravagant in its details? It did not seek to legalize any usage that had not been

legalized already. It took the substance of the 1st clause of the Land Act as its basis, and dealt simply with the means by which the already legalized usage might be more easily enforced. This it attempted to do by taking the one central principle which characterized the Ulster tenant-right custom in every form—namely, the right of sale, and declaring that the existence of this right should be presumed until the contrary was proved. Now this appeared to him to be entirely reasonable, having regard to the nature and prevalence of the custom, and the actual conditions under which it would have to be established. For he would venture to assert that of agricultural holdings in Ulster 99 out of every 100—perhaps he might say 999 out of every 1,000—were, as a matter of fact, notoriously subject to the tenant-right custom; and further that, whatever subordinate variations there might be in the custom, this usage or right to sell, subject to a fair rent and to an unobjectionable successor, was a constant element of it in every form. He appealed to those hon. Gentlemen opposite who represented Ulster constituencies whether this was not an accurate statement of the matter. Indeed, he might challenge any of them to rise in his place and contradict either of these propositions. Well, then, if that be so—if almost every holding in Ulster was admittedly subject to this usage—this guarded right of sale—was it unreasonable to provide that Courts of Justice, in the absence of any evidence to the contrary, should presume such right to exist? Nay, was it not, under the circumstances, unreasonable and gratuitously vexatious that the tenant, when forced into Court, should be required to prove the existence of that which out of Court nobody called in question. But then it was said, if nearly every farm in Ulster be really subject to the custom, what hardship was there in the tenant being obliged to prove it. Well, even supposing that witnesses were to be had who could establish the fact, he (Mr. Law) thought it was a hardship on the tenant to be obliged to prove the usage—that was, to prove the general rule—the applicability of which was as notorious to the landlord and every one else as that the sun shone at noonday. For it must be recollected that the procuring of witnesses was always a matter of more or



less difficulty and expense ; and that even when summoned, they might fail to attend, and the tenant's honest claim thus probably be defeated. Now, considering that this usage or right of sale mentioned in the Bill existed almost universally throughout the Province, would it not be more reasonable to require the landlord to show, if he could, that as to the particular holding in question, the general usage did not apply, than, as at present, to oblige the tenant to prove its application ? As a matter of legal principle and common sense he submitted that presumptions ought to be in accordance with what obtained generally, and not in favour of that which was merely exceptional ; and therefore, even if there were nothing more in the case than this, there would, he conceived, be sufficient reason for the change proposed. But the truth was, that however notorious the usage might be, the production of witnesses to give the necessary legal proof was often found extremely difficult. When the Act first came into operation chairmen and Judges used to allow the custom to be proved not only by evidence relating to the particular holding in question, or the estate of which it formed part, but also by evidence of the usage on neighbouring estates. It was, however, soon urged, and at length settled, that the necessary proof could only be given by showing recognition of the custom on the holding itself, or on the estate it belonged to. Now, the holding might not have been sold for generations ; and in many instances the breaking up of large estates, and their sale in lots—especially in the Landed Estates Courts—interposed a serious difficulty, and one which was constantly increased by the mere lapse of time. The lots frequently comprised but two or three farms, none of which might have been sold for many years, and the House would readily perceive the risk to which the tenant was exposed under such circumstances. How, for example, was he to prove—save by title deeds and other documentary evidence, much of which he had absolutely no means of obtaining—that the now separated portions once formed a single estate, and accordingly, should still be so considered for the purpose of supplying evidence of the usage claimed ? But great as the difficulty was, even where the breaking up of the estate was recent, what would be the position of

*Mr. Law*

the tenant when some 20 or 30 years had passed away ? Was it not plain that proofs of this kind would then be simply impossible for him ? Having regard, therefore, to those different considerations, he submitted the change of presumption proposed by the Bill was fully justified by the state of things in Ulster, and was, indeed, necessary to carry out and effectuate what was the real intention of Parliament in recognizing the custom of tenant-right as prevalent throughout the Province, and declaring that it should thenceforth have the force of law. But his hon. and learned Friend opposite (Mr. Gibson) had objected to the way in which the usage or right so proposed to be presumed was described, urging that no such right had ever prevailed in the Province, and that in this respect the Bill would not provide for the enforcement of an existing usage, but would be the creation of a new usage. He (Mr. Gibson) contended that the right mentioned in the Bill differed from the ordinary Ulster usage by unwarrantably restricting the power of the landlord ; first, as to the increase of his rent, and, secondly, as to his approval or disapproval of the purchaser as tenant. The argument, however, was he (Mr. Law) thought founded on a misapprehension. The supporters of the Bill did not desire to make any alteration in the custom already legalized by the Land Act. As the law now stood the landlord was not at liberty to raise his rent as he pleased. If he could do that, the legalization of tenant-right would be futile, for he might by indefinite increase of the rent simply transfer the value of the tenant-right from the tenant's pockets to his own. No ; the increase of rent must be such as not to encroach on the tenant's legalized interest ; in other words, it must be reasonable ; and accordingly, if a difference now arose on this point, it had to be decided by the Land Court. So, again, the landlord was not at present free to object to any purchaser without alleging some reasonable ground for doing so. Did hon. Gentlemen opposite seriously contend on behalf of the Ulster landlords for a right to make unreasonable objections, to refuse any person they pleased whether for good cause or for bad ? Was it not obvious that the existence of such a power would enable them to defeat the tenant-right alto-



gether and thus practically to repeal the Land Act? But the answer was, that this supposed unlimited power of objection was not part of the Ulster custom as it existed before the Act of 1870, and when protected only by what his right hon. Friend the late Prime Minister called the "authoritative traditions" of the Province. To object to a purchaser, then, save on reasonable grounds, would have been condemned by the public opinion of the country as a departure from the local usage; and to do so now was happily prohibited as a breach of the law. Here, just as in the matter of the rent, if a difference arose the Land Court must determine whether the course taken by the landlord was reasonable or unreasonable, and award or withhold compensation accordingly. The Bill, in short, did not propose to make any change in either respect. It sought to establish a *prima facie* presumption in favour of the prevalent usage or right of sale, which it properly described as subject to two qualifications—namely, the liability to rent which might be reasonably varied from time to time, and the landlord's right to refuse the purchaser, if he could allege any reasonable objection to him. And he (Mr. Law) would again ask the Ulster Members whether this was not a correct description of the custom which all knew to be prevalent throughout the Province? But it had been alleged that the Bill was unjust in this—that whilst on the one hand it would create a presumption in favour of the tenant, it would not allow the landlord to disprove it by any of the ordinary modes usual in such cases. Well, he admitted that if the measure were open to this objection, it would be difficult to justify it. Here again, however, his hon. and learned Friend was labouring under a misapprehension. There were this moment just two modes by which the Ulster farmer's claim to tenant-right might be defeated. One was by showing that the holding had never been subject to the custom—a position which he believed it would be exceedingly difficult to establish, whilst the other mode was by showing that the tenant-right had been purchased up by the landlord. Now, the Bill would not interfere in the very least with the landlord proving either of these positions. Some hon. Members, however, seemed to think that there were, or at least

ought to be, other means of getting rid of tenant-right, and regarded the proposal that the presumption should not be rebutted by merely showing that the farm had been leased as particularly audacious. Now, a very serious question was here involved, affecting as it did some 32,000 holdings in Ulster, and the property of tenants to a very large amount. The point had been much discussed, but unfortunately no decision had yet been obtained upon it from the Court for Land Cases Reserved. The House would therefore not be surprised to hear that the doubts which existed upon the subject had caused a great deal of anxiety in the Province; and that hon. Gentlemen who sought the suffrages of these Northern farmers at the beginning of last year almost all pronounced for a statutory declaration in favour of leasehold tenant-right. [Mr. Law here referred to some of the addresses, and read a joint declaration by the Marquess of Hamilton and Mr. Conolly on the subject.] [Mr. CONOLLY: I adhere to every word of it.] He (Mr. Law) then hoped he might be permitted to ask the hon. Gentleman to give a little instruction on this matter to his hon. and learned Friend the Member for the University of Dublin, whose study of Ulster tenant-right had, no doubt, only recently commenced. But with regard to this subject of leasehold tenant-right, he wished to point out that the evidence given in 1845 before Lord Devon's Commission, and again in 1867 before Lord Clanricarde's Committee, as well as also the Reports of the Poor Law Inspectors in 1869 all proved conclusively that the custom was recognized in the case of leaseholds and tenancies from year to year alike. Accordingly, in 1870, when in Committee on the Land Act, the hon. Member for Linlithgowshire proposed to add to the 1st section a Proviso making the acceptance of a lease for 31 years operate as an extinguishment of tenant-right, the present Lord Carlingford secured the rejection of the Amendment by referring to these authorities and showing that leaseholders, in fact, enjoyed the protection of the custom as fully as other tenants. The truth was that the Ulster tenant-right custom had grown up and been established under a universal system of leases. It would be recollected that up to 1829 and for centuries before the county franchise depended on the

possession of a 40s. freehold. Accordingly, the landlord in Ulster as elsewhere was induced to make as many leases as possible so as to secure a large following of voters, and thus increase his political power and influence. To use the language of the late Colonel Blacker, who knew the North of Ireland well, "the landlords cut up their estates into ribbons for the purpose of manufacturing freeholders." Indeed, it appeared by a Parliamentary Return issued in 1830 that in 1829 the freeholders of Ulster—that was to say, the leaseholders for lives—numbered 70,349; being upwards of 8,000 more than the whole rated-occupation constituencies of 1865, and 5,412 more than they were even at this moment. For example, in the County of Monaghan there were 12,860 freeholders in the year 1829, whereas now with the reduced occupation franchise there were but 5,608 registered electors. Leases, in short, were long and almost universally used in Ireland as mere political instruments, being seldom regarded by either landlord or tenant as contracts defining their mutual rights for any purpose beyond fixing the amount of rent, and until comparatively recent times almost all the tenants of Ulster—as of the rest of Ireland—and certainly all favoured tenants held their farms by lease. The Bill, then, before the House proposed to declare in accordance with the ruling of Chief Justice Monahan already referred to, that tenant-right was not to be defeated by merely showing that the farm had been held under a lease. Of course, if the landlord could prove that he or his predecessor had bargained for the purchase of the tenant-right, by granting a lease at an under-value the custom would be disproved; but as to such cases he thought it would be right to provide that for the future at least, the lease itself should record the real nature of any such arrangement. Objection, however, was also taken to the clause of the Bill declaring that the presumption should not be rebutted by merely showing that the tenant had paid nothing for his holding. Now this very point was raised and fully discussed when the Land Act was in Committee. The present Lord Chancellor of Ireland, then a Member of the House, proposed a clause negating tenant-right in such cases. The Amendment, however, was opposed, not

only by the then Solicitor General for Ireland now Mr. Baron Dowse, but also by an Ulster Conservative Member, whose authority on the subject would not be questioned—he referred to Sir Frederick Heygate—and who declared that such a provision would be at variance with the custom, and would in fact destroy tenant-right in a large proportion of cases in which it was notoriously recognized throughout the Province. Thereupon, in deference to Sir Frederick Heygate's arguments, his right hon. and learned Friend, Dr. Ball, withdrew his Amendment, which he said he had only suggested at the instance of some hon. Members from Ulster whom he had supposed to be well acquainted with the subject; and who he (Mr. Law) might add, like Ulster Members, now appeared to think it best to urge their views through one of the hon. and learned Members for the University of Dublin. The last point he (Mr. Law) would observe upon was the provision of the Bill, that restrictions on the price of tenant-right should be disregarded. This also seemed to him to be expedient and reasonable. A certain interest in the holding being now legally secured to the tenant, was it not absurd to permit the landlord to fix the price for which it should be sold? Such attempts belonged to an exploded order of ideas, and were inconsistent with all true principles of legislation. We might just as well try a new "assize of bread" or a new "statute of labourers," as authorize the Ulster landlord to say how much the tenant might take for his tenant-right. All such rules, therefore, as affected to fix a limit of so many pounds an acre or so many years rent as the regulation value of the tenant's interest should be disregarded as unreasonable and unjust. For let the House consider for a moment how such rules must operate. Suppose two adjoining farms of equal size and quality and held at equal rents. On one of them the tenant had made considerable outlay, building houses, or draining, or otherwise improving it; whilst the second farm was kept in its original state and used merely for purposes of pasture. How was it possible to justify a rule which said that both should be sold for the same price? And yet this was the practical result of the system: the limit being generally placed so low as not to allow a fair value for

even an unimproved farm. Was it not obvious that this, if permitted, must operate as a direct discouragement if not prohibition of all improvements? He therefore ventured to submit that these attempted restrictions of price were not only unreasonable and unjust as regarded the tenants, but also opposed to the public interest from their necessary economical effects in retarding the improvement of the country. Besides, these regulation prices were quite modern inventions, and formed no part of the true custom of Ulster. Their beginning might be traced in the evidence of some of the witnesses examined before the Devon Commission, who mentioned the attempt as then just begun to be made by a few landlords. But even on estates where such rules were nominally most insisted on, they were in practice continually disregarded. If a farm were worth more than the prescribed price, more was, of course, given; and though the landlord or his agent might affect to ignore the fact, it was perfectly well understood by him and everybody else that the full value had been paid. The result was that, even on an estate thus nominally regulated, if the landlord, for his own purposes, resumed possession of a farm, he paid the real value of it to the tenant; or, if he did not, the public opinion of the district condemned his conduct as unfair. He (Mr. Law) would then venture to suggest to the Ulster landlords themselves, whether it was worth their while to contend for these modern encroachments on tenant-right, which, they would see must operate unjustly to their tenants, and which, when tested in Court, they had not—as far as he (Mr. Law) was aware—been able to enforce, save in one or two instances, and that at the cost of much irritation and estrangement. These were the several grounds on which he (Mr. Law) would support the Bill. There were, perhaps, some of its provisions which might well be amended in certain particulars; but, he thought the principle of the measure should now receive the approval of the House; leaving the details to be carefully considered in Committee. In conclusion, he hoped, before the close of the debate, to hear an expression of opinion from some at least of the Representatives of Ulster counties. It was not desirable that a division should be taken without any

Ulster landlord, who was opposed to the Bill, giving the House the benefit of his views on so important a question. It was a subject on which the House naturally looked to them for information, and which their constituents in the North of Ireland might reasonably expect them at least fairly to discuss. It would be matter of regret if these expectations were disappointed; for it was only by open and intelligent discussion that such questions as this could be satisfactorily settled. He should vote for the second reading of the Bill.

VISCOUNT CRICHTON said, that in answer to assertions that the late Government, in passing the Act of 1870, had never defined what tenant-right was, he would appeal to the House whether in the discussions on that Bill, the present Lord Carlingford had not distinctly acknowledged that the usages that prevailed on the different estates constituted the customs of Ulster, and whether he did not propose that these customs should be legalized? He was surprised at the course now taken by the hon. Member for Tyrone in supporting the Bill, because he found that in March, 1872, in the case of one of his tenants, the hon. Gentleman insisted that the restrictions which this Bill sought to remove should be enforced. In a letter addressed to the executors of that tenant the hon. Gentleman said—

“In reply to yours of the 22nd inst., relating to the farm lately held by Alexander Adair under me, I beg leave to say that I decline to sanction the sale by auction to the highest bidder as suggested by you of said farm. Previous to Adair's death, hearing that he was desirous of disposing of his interest, I went to see him, and offered £200 for it. He said he expected to recover, and would hold on. I am prepared to give to his executors the same price, provided possession be given to me as soon as I pay the money. If they are disposed to take my offer let me know, and I shall instruct my solicitor, Mr. G. R. Smith, to take the necessary steps in the matter. Two hundred pounds is £10 per statute acre, quite enough, methinks, for a farm which has been held at an extremely low rent since 1802, and which has been out of lease since 1842. I permitted Adair to continue in occupation at a low rent on account of his age and being an old tenant.—Yours faithfully,  
J. W. ELLISON MACARTNEY.”

But since 1872 the General Election and many other things had occurred. He (Viscount Crichton) did not wish to approach this question merely from a landlord's point of view; but he must say that if this Bill were to become law he thought most landlords would be of

opinion not only that their rights of property were abrogated, but that their duties as landlords were so abridged that they were no longer bound to continue to reside in Ireland, and they were at liberty to spend their lives and their money in a more pleasant place. As he believed the interests of tenants would be seriously damaged if this Bill became law, he wished to state a few reasons in the interests of tenants why the House should reject this Bill. It provided that a tenant should be able to sell his tenant-right to anybody to whom the landlord should not have a reasonable objection. Now, that power of the landlord to object to an incoming tenant was a very valuable one in the interest of the tenant, and he knew it was highly valued by the occupiers of adjoining farms. A tenant might go to a landlord and propose that his holding should be transferred to a man who was a Fenian; but how was the landlord to prove that he was a Fenian? Or it might be that an unconvicted thief who could pay a much larger price for a farm than the honest people around him would be proposed as an incoming tenant to a landlord. But the landlord possibly could not give exact proof of the fact, and therefore might not be willing to run the risk of exposing himself to legal proceedings in case of failure. He might, perhaps, be none of these things, but he might be a cantankerous quarrelsome fellow, whom it would be exceedingly unpleasant to have on the estate. It was obvious, therefore, that to deprive landlords of the power of imposing the restrictions in question, would be highly injurious to neighbouring tenants. He was no advocate for an indiscriminate enlargement of farms in Ireland. He believed that in the present want of capital and considering the soil and climate of Ireland, any extensive consolidation of farms would be a great evil; but he also believed that the proposed unlimited tenant-right would be the greatest misfortune that could be inflicted on Ireland, and many good landlords who permitted tenant-right on their estates only did so under strict and well defined regulations. As the hon. Member for Carlow (Mr. Kavanagh) had said there was a mania for the possession of land in Ireland, because it gave a social status to the occupier, and there was no other outlet for the energy of the people. Persons desirous to obtain possession of

a farm, would, to use a common expression, bid the coats off their backs to gain their object. In some instances 40 and even 50 years' purchase had been given for a farm. A poor man would be ruined by giving such a price. He would come in on borrowed capital, he would not have means to cultivate the farm and would be obliged again to sell it—his successor would come in a similar position, and so this vicious process would repeat itself *ad infinitum*. On the other hand, tenant-right, if properly regulated, would be a great benefit, as it had been to Ulster, where it had been regulated. Ulster, he believed, owed its peace and prosperity to that regulation. Under a system of unrestricted sale of tenant-right the farms would be almost ruined, as the people would be so hampered by the price they paid that they would be utterly unable to do justice to their farms. He thought it unfair that the Motion for the rejection of the Bill should have been left to his hon. and learned Friend the Member for the University of Dublin. In his opinion, some Member of the late Government ought to have risen to discharge that task, because this Bill amounted almost to a Vote of Censure on—at any rate it challenged—the policy of the late Government. In 1868 the late Government came into office on the distinct understanding that they were to deal with the questions of the Irish Church, Irish Land, and Irish Education, and they passed measures on the first two of these subjects. They introduced their Land Bill when they were in the very zenith of their power. In introducing it, the right hon. Gentleman the Member for Greenwich made a very strong and remarkable statement. Speaking of the delays and procrastination in legislating on this subject, the right hon. Gentleman said—

“What I hope is, that having witnessed the disaster and difficulty which have arisen from this long procrastination, we shall resolve in mind and heart by a manful effort to close and seal up for ever, if it may be, this great question which so intimately concerns the welfare and happiness of the people of Ireland.”—[3 *Hansard*, cxcix. 335.]

The measure introduced in 1870 was passed into law unaltered in its main principles, and he wished to know whether the Members of the late Government, who were still in that House, intended to abide by the declaration which their Chief then made, or whether they



were going to follow the example of the right hon. and learned Gentleman (Mr. Law) who sat on the Opposition bench and vote for the second reading of this Bill? Would they consent to undo what they did not five years ago, and thus proclaim to the world the failure of one of their pet schemes for the regeneration of Ireland?

MR. MACARTNEY desired to explain the letter read by the noble Lord (Viscount Crichton). The facts were that the two executors of his deceased tenant Alexander Adair had agreed to sell for £230. There was a year and a half's rent owing, amounting to about £37, and he offered to forego that and to pay them £200. This offer was higher than their valuation, but they would not hear of it, and said they would go to public auction. Upon this he refused his consent, and having stated that in this case he would use his power, he accordingly stood his ground. This explanation, he trusted, would be satisfactory to the House.

MR. CONOLLY said, he had never listened to so irrelevant a debate on a subject which was still of great moment in Ireland, particularly in Ulster. For once he must estrange himself from those with whom he usually acted, as he felt it his duty to vote for the Bill. He had given his cordial assent to the measure of the right hon. Gentleman the Member for Greenwich on the subject of Land Tenure in Ireland, justifying himself at the time by a statement to the effect that it legalized nothing more, but considerably less than was the universal practice of good landlords in Ulster. Prolific as the Land Act had been of good results in Ulster, it yet left a good many blemishes which ought to be considered by this House, and for which remedies would, no doubt, some day or other be found. Whatever hon. Members might say, there existed in the North of Ireland a widespread opinion that the legislation of the right hon. Gentleman the Member for Greenwich was imperfect. The case of leases was one defect; the case of restrictions upon the saleable value of farms was a still more conspicuous one. Both these defects must be remedied, if there was to be a good understanding between hon. Members and those whom they represented in the Province of Ulster. As the only principle involved in the present measure was that the Act of 1870

required amendment, he should feel bound in honour and conscience to support it.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) rose to explain why he could not, and why he believed Her Majesty's Government could not, for a moment consent to the second reading of this extravagant, wild, badly-drawn, and ill-conceived Bill. Certainly, it was not his intention to defend the Land Act of 1870 from the criticisms of his hon. Friend who had just sat down: he had been, however, a good deal struck by the circumstance that it was his right hon. and learned Friend opposite—who was one of the Law Officers in the late Administration (Mr. Law)—who pointed out so many defects in that Act, and had not only abandoned but condemned many of its leading principles, instead of defending it against this rival and usurping measure. His hon. Friend who had just sat down intended to vote for the second reading of the Bill because he thought some statute in addition to the Act of 1870 ought to be passed in order to protect the interests of the Ulster tenants. Although, no doubt, his hon. Friend would vote for the Bill most conscientiously, yet he would be acting on a principle from which the House at large ought to shrink, because the present Bill was not in any sense a Bill to make more perfect the protection offered by the Act of 1870, but one to substitute for the policy of that measure new and unheard-of principles. His hon. and learned Friend who spoke from the front Opposition bench (Mr. Butt) had appealed to the House that there was no reason why a statute passed in 1870 should not be amended in 1875, and he instanced such cases as the Licensing Act and the Endowed Schools Act in support of that view. But, in truth, there was not the smallest analogy between such measures and the Bill now before the House. Those Acts were altered by what were faithfully described as Amendment Bills; but what was the nature of the Bill now under consideration? It could not in any sense be described as an amending Bill—it was an entire departure from the principles that had been so deliberately adopted in 1870 in order to close up for ever a long controversy. Under what circumstances did the Act of 1870 pass? Parliament was told on high authority that the hour was come, and that at last, after great thought, deep



research, earnest consideration, and a candid scanning of all the circumstances, the Government had arrived at the conclusion which they submitted to the House as a fair and final settlement of the much-vexed question of land tenure in Ireland. Such was the spirit in which the Land Bill was introduced, and such, beyond all doubt, was the spirit in which it was accepted by those who formed the Opposition in that Parliament. All that had been said this afternoon about the history of tenant-right in Ulster was brought before the House and the country when the Bill of 1870 was under discussion. As the noble Lord (Viscount Crichton) had remarked, a great many things had happened since then; but this observation was not applicable to the present case, for the reason that the difficulty was to ascertain what was the ancient custom in Ulster. Reverting, however, to the measure of 1870, he might remark that after passing this House it was again scrutinized in "another place," where all the legal ability and stored wisdom of those who tested its provisions were expended upon it. Earl Granville, in recommending the House of Lords to adopt it, described it as a measure not to be introduced to-day and abandoned to-morrow, but as the ripe matured fruit of calm and long deliberation, and that it was presented to their Lordships with confidence as a final settlement of the land question in Ireland. But the present Bill proposed to re-open the whole question, and reverse the policy of the Act of 1870 in its most essential principles. Therefore, he submitted that the argument of his hon. and learned Friend the Member for Limerick about amending Acts did not apply at all to the measure now before the House. What had been the effect of the Land Act as regarded the Province of Ulster?—and he begged to remind the House that he was referring only to that part of the Act which dealt with the Ulster custom. It had been stated that the property or the rights of the Ulster tenants were secured to them by that Act to the amount of £20,000,000. This was no small boon—no slight change in the law. Previously not one penny of this enormous sum, however well secured it might have been by feelings of mutual esteem between landlords and tenants, had been legally secured to the latter. And what had happened since that should lead

the House of Commons thus hastily, on a Wednesday afternoon, to depart from the fundamental principles of the measure which was so deliberately adopted five years ago? Why, nothing had happened. There had been some cases decided which had caused in Ulster a certain amount of anxiety; but only one notable case had been cited in the course of the debate in which the rights intended to be conferred by the Act had been diminished or set aside. In that case a County Court Judge decided that the covenants of an ordinary lease conflicted with the rights of the tenant as intended to be legalized by the Land Act. The decision had been appealed against, but by an accident a final decision of the case had never been secured. He regretted much the accident; and he believed whenever it came to be decided finally by the Court of Appeal the result would be satisfactory to the tenantry. If the Bill now under discussion was merely intended to set at rest the anxiety raised by that case, which was the only one cited of hardship under the Act, he should not deny that it was worthy of consideration.

MR. CONOLLY, interposing, said, there was another case.

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) said, he had not heard of it.

MR. CONOLLY: It is reported.

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) said, he would admit, then, that two cases of hardship had been found in the course of five years, one only of which was within his own recollection. If the present proposal was merely to redress the disadvantage and injustice inflicted on leaseholders under such circumstances he should gladly see it passed; but the truth was that a new tenant-right would be created for the first time by this Bill. Another grievance had been brought forward—namely, that in certain cases landlords had cut down to an unjustifiable extent the tenant-right of Ulster by imposing unjust limits on the power of sale. Well, if this Bill proposed only to remove real injustice of that kind he should think it well worthy of consideration. But it went very much further. It provided that every holding in Ulster should be presumed to be subject—not to the tenant-right proved to exist on that holding—but to a kind of average tenant-right—and a very high average

—in favour of the tenant. This was a new invention concocted in this Bill—a total and fundamental difference from the principles of the Act of 1870, and this difference went to the bottom of the whole question. What the tenantry of Ulster demanded, and honestly demanded, was that those rights which the land enjoyed under the Custom they should not be unjustly deprived of; and it was to protect them in those rights that the first clause of the Act of 1870 was passed; but the words used were—"the usages prevalent within the Province of Ulster." And why were these words used? Because, as was admitted on all hands, the custom varied in almost every county and district in the North of Ireland, and the usages were not the same. He would by the permission of the House, quote the words of a high authority on such subjects—namely, his hon. and learned Friend the Member for Limerick (Mr. Butt), who, in his treatise on the Land Act of 1870, wrote thus—

"It does, however, seem certain that, so far back as the custom can be traced, the landlord has very generally exercised a control over the admission of the new tenant; he has had the power of refusing an objectionable one, or of selecting between several equally eligible; and upon many estates, at all events of late years, he has exercised the power of restricting, sometimes within very narrow limits, the amount which the tenant is to receive. The payment is generally made through the landlord or his agent, and is in the first instance subject to all the demands which the landlord may have against his tenant. On some estates the landlord or his agent exercises a kind of equitable jurisdiction over the sum realized by the sale,"

and so on. After that no one could deny that the usage varied in every particular in different districts and on different estates, not only as to the degree of control in choosing the incoming tenant, but also in regard of the terms of sale which had always been sanctioned by the landlord, and as to the manner in which that sale was to take place. But, in every one of these respects, this Bill proposed to enact a certain presumption against the landlord's authority, and as to several of them the landlord was not to be allowed by any evidence however clear to rebut that presumption. But once you attempt to define the Tenant-right custom, even these wild proposals could not be considered final. For there were in some parts of Ulster still more unlimited forms of the custom, and even now there was a sound in the

air of further demands on the part of the agitators, and this Bill had been denounced as unsatisfactory. What justice was there in the argument of his right hon. and learned Friend (Mr. Law), in support of enacting a general presumption in favour of an average usage, when every material characteristic of these usages everywhere differed? Was he (Mr. Plunket), therefore, not justified in saying that in its main provision this Bill was an absolute departure from the fundamental principles of the Act of 1870, so far as it affected Ulster? The cardinal principle of the Act of 1870 was the ordinary principle that the laws of property should prevail in Ulster as elsewhere, and that the landlord should be regarded as having the original proprietary right; but that the tenant should be entitled to whatever limitations of these rights in his favour he could prove to have been conceded under the various usages. But the principle of this Bill was to reverse this theory, and presume original proprietary rights in the tenant, leaving it to the landlord in certain cases to disprove these encroachments, if he could, while in other cases he was not even to be permitted to attempt such proof. That was the radical and essential principle as to which the present Bill, and those who supported it, abandoned and condemned the policy of the Act of 1870. Time would not permit him to deal in detail with the provisions of this Bill, as he was very anxious that a decisive division should be taken upon the merits of such a proposal. But he would wish, before he sat down, to make to the House, and especially to hon. Members on the front bench opposite, a grave appeal. He was convinced that it would be an injurious and lamentable thing if the Ulster tenantry should be led to believe that Parliament wavered upon the question as to whether the Land Act of 1870 was to be considered as in the main and in principle a final settlement. Such symptoms of doubt and uncertainty would invite the agitators to fresh exertions, not only in Ulster but throughout the whole country, and reckless and exorbitant pledges would be again, as they had been already in some instances, extorted in the excitement of a general election. He hoped that the hon. Members who were not bound by any such pledges would hesitate to sanction what was nothing less

than the opening of a new campaign against the proprietary rights of the Irish landlord. Nor must they for a moment imagine that, having passed this Bill, they could stop there. Once depart from the principle upon which the Act of 1870 dealt with the Ulster tenant-right — simply sanctioning whatever usages existed as to each holding, instead of attempting to define in any respect this ever-varying custom, and you would have committed yourselves to a course of unlimited innovation. If you gave by this average custom advantages to the tenant of any holding which he had not before, how could you then refuse to extend legislation still further, lest those should be at a disadvantage who had before enjoyed the custom in the most unlimited form in which it had ever been anywhere allowed? Or if you once admitted the principles of such a wholesale transfer of rights, how could you stop at the limits of the northern Province? The limits of Ulster were merely a capricious geographical distinction. There was no magical principle of right or wrong in the boundary of a county. How could you afterwards resist the appeal that, as in Ulster, you were ready to transfer the rights of certain tenants to others who had never enjoyed them before, you should in like manner extend your concession to Leinster, Munster, and Connaught? Why not even apply the same principles to England? Having regard, therefore, to the solemn compact and settlement arrived at in 1870, a measure passed by the consent and mutual understanding of both sides of the House, he charged upon the hon. Members who sat upon the benches opposite, a grave responsibility if they pledged themselves to these principles which were now for the first time propounded. It was a curious thing that every hon. Member who had professed his intention of supporting the second reading of this Bill had, at the same time, repudiated many of its leading principles, criticized all the clauses, and repudiated the language in which it was drawn. And was it not a strange thing, merely because some additional legislation was sought for Ulster, to support the second reading of this particular Bill, and thereby pledge themselves to the principle of a measure than which a more unwise proposal had seldom been submitted to Parliament? The more the Bill was studied the more clearly

must they come to that conclusion. He, therefore, trusted that the House would so vote as by an overwhelming majority to set at rest the wild hopes that had been excited by those who made a trade of disturbing those happy relations which had so long existed, and he hoped and believed would long continue to exist, between the landlords and tenants of Ulster, making that famous Province the most prosperous, the most peaceable, and the most loyal of the Provinces of Ireland.

THE MARQUESS OF HARTINGTON said, he was unwilling that a division should be taken without saying a few words in explanation of the vote he intended to give. He could not help thinking it was a somewhat remarkable commentary upon the denunciations of the Bill just made by the right hon. and learned Gentleman (Mr. Plunket) that the only Members personally affected by it who had taken part in the discussion were three Members for the North of Ireland, all of whom supported the measure, and one of whom was connected with a county where the Ulster tenant-right did not prevail very extensively. If the measure were fraught with all the pernicious consequences represented by the right hon. and learned Gentleman, he could not help thinking that the House would have heard of it from hon. Members connected with the North of Ireland by ties of property and residence, a great many of whom he now saw present. If he agreed with the premiss of the right hon. and learned Gentlemen that this was not an amendment, but an alteration of the principle of the Land Act of 1870, he should have no difficulty in accepting his conclusion, and in voting against the second reading of the Bill. But he did not think this was an alteration in principle of the Irish Land Act; and the example had been set—not by his own political friends—of looking upon that Act as containing no final settlement, because it was at the instance of the political friends of the right hon. and learned Gentleman that a Committee of the House of Lords was appointed to consider the operation of that Act. Hon. Gentlemen opposite, therefore, could not then have been of opinion that the Land Act contained so sacred a settlement of all questions connected with the tenure of land in Ireland that it admitted of no further improvement. The explanation which he specially

desired to make to the House before the division was that, although after careful consideration he was prepared to vote for what he considered the principle of this measure, it contained much to which he should be unwilling to pledge himself. The principle of the measure, as had been very clearly explained, was that the presumption in the case of a holding in Ulster as to its being subject to tenant-right should be altered, and that, in place of its being incumbent upon the tenant to prove that his holding was subject to the custom, the onus should be cast upon the landlord of proving that it was not. Now, he had not heard any opponent of the Bill this evening deny the statement of his right hon. and learned Friend (Mr. Law) that, in 999 cases out of every 1,000, the Ulster custom applied to every holding in the counties subject to it. If this were so, did it not seem somewhat vexatious and unnecessary to cast upon the tenant the onus of satisfying the Judge by legal proof that his holding was subject to a custom the almost universal existence of which was a matter of such notoriety? The Bill proposed to change the burden of proof in this way:—It selected an incident of the Ulster custom which, as no one denied, was an incident in every one of the usages, whatever they might be, known as Ulster right. Various as those might be, and incapable of definition as they might be, he had heard nobody deny that the right of the tenant mentioned in the first clause, of

“Selling his holding, subject to the payment of the rent at which the same is held, or such fairly valued rent as may be payable in respect thereof from time to time,”

was an invariable incident in every usage known as the Ulster tenant-right. It was said that the clause admitted a principle of an extremely dangerous character; and the right hon. and learned Gentleman (Mr. Plunket) urged that it raised the question of the valuation of rent. But, as his right hon. and learned Friend (Mr. Law) had shown, this question was raised already. A case had arisen, and might arise at any time, when a landlord might, by increasing his rent, drive his tenant to seek redress under the Act of Parliament from a court of Law; and at this very moment it might become the duty of the Judge under the Irish Land Act to decide whe-

ther the increase of rent demanded was a reasonable increase or not. Thus the principle was not for the first time imported into the Bill. The difficulty was one not created, but only acknowledged in the Bill. Exactly the same observation applied to another point urged by the right hon. and learned Gentleman, who stated that the Bill would deprive the landlord of all control over the tenant in the sale of his right. Now, the Bill would deprive the landlord of no control which he had at present. That question might be raised in exactly the same way as the reasonableness of the rent, and a Judge might be called on to decide whether the objection taken by a landlord to the purchasing tenant was a reasonable one or not. He had stated what he believed to be the main principle of the Bill. But the Bill went a good deal further. It not only selected an incident which existed, he believed, in every usage known under the name of Ulster custom, but in Clause 5 it selected another incident which might, for aught he knew, be a common incident under the Ulster custom—though, as far as his information went, it certainly was not an invariable incident—namely, the permission to sell by auction. To this principle he should be unwilling to pledge himself; and as it was not likely, after the course announced by the Government, that the House would ever be in a position to discuss the clauses of the Bill, he was unwilling to vote for the second reading, as he intended to do, without acknowledging at once that there were certain provisions of the Bill to which he should be unable to assent. He was also unwilling to pledge himself to vote for the second and third clauses. Every hon. Member from the North of Ireland who had spoken acknowledged that some amendment of the law was desirable in cases which occurred upon the expiration of the lease. He understood even the noble Lord the Member for Enniskillen (Viscount Crichton) to admit the necessity for such an amendment. But he (the Marquess of Hartington) did not think the case referred to in the second and third clauses were essential to the principle of the Bill—namely, that tenants should be freed from the unnecessary annoyance and trouble of proving that their holdings were subject to the custom. Believing that principle to be



a sound one, he should vote for the second reading of the Bill.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 151; Noes 301: Majority 150.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for three months.

#### CHELSEA HOSPITAL (LANDS) BILL.

On Motion of Mr. STEPHEN CAVE, Bill to empower the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to convey certain lands and premises to the Commissioners of Chelsea Hospital; and for other purposes relating thereto, *ordered* to be brought in by Mr. STEPHEN CAVE and Lord HENRY LENNOX.

House adjourned at Six o'clock.

### HOUSE OF LORDS,

*Thursday, 3rd June, 1875.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Customs and Inland Revenue \* (126); Local Government Board's Provisional Orders Confirmation (No. 3) \* (127); Survey (Great Britain) Acts Continuance \* (128); Turnpike Roads (South Wales) \* (129).

*Second Reading*—Landed Estates Act (Ireland) Amendment (97); Local Government Board's Provisional Order Confirmation (No. 2) \* (87).

*Committee*—Artizans Dwellings (82); Chimney Sweepers \* (71-124); Falsification of Accounts \* (93-125).

*Third Reading*—Bishops Resignation Act (1869) Perpetuation \* (74); Military Manœuvres \* (115), and *passed*.

#### SLIGO, LEITRIM. AND NORTHERN COUNTIES RAILWAY BILL.

##### THIRD READING.

Order of the Day for the Third Reading read.

LORD REDESDALE renewed his protest against the Bill, on the ground that it gave power to the promoters to issue preference stock, a thing quite unusual in the case of an original Bill.

Bill read the third time and *passed*.

##### PROTEST.

##### "DISSENTIENT:"

"1. Because in this Bill it is for the first time proposed to create preference capital for making a new railway by a new company.

*The Marquess of Hartington*

"2. Because the capital is to consist of 200,000*l.* in shares and 100,000*l.* in borrowed money. Of the former a dividend of 5 per cent. is guaranteed by baronies and landowners on 72,800*l.*, and of the remaining 127,200*l.*, 50,000*l.* is to be issued with a preference, leaving 77,200*l.* ordinary share capital which will not be entitled to receive anything until full dividends as agreed upon have been paid from the net income of the concern on 222,800*l.*

"3. Because the estimate for the construction of the line being 223,610*l.* independent of the costs, charges, and expenses incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto, the aforesaid sum will not be sufficient to complete the same.

"4. Because the character of the undertaking being such as to render it necessary to start it by issuing part of its capital with a preference, it must be taken as admitted that the company have little expectation of finding customers for ordinary share capital, and, consequently, that when the preference capital has been exhausted they will have to apply to Parliament for new powers to make the remainder of the capital marketable.

"5. Because this can only be done by a grant of preferential share capital, or by extended borrowing powers, the dividends on which must take precedence over those which the Bill proposes to secure to the preference shares under it.

"6. Because, under these circumstances, the capital which persons will have been induced to take, believing it to have a preference secured to it, will no longer hold that position, and Parliament, by allowing the issue of such shares in a first Bill, will have deluded persons into subscribing to an investment under a deceptive name.

"7. Because, as this preference capital is to have priority over that which is to be guaranteed by the baronies and landowners, any capital created by pre-preference shares or additional borrowed money must also have precedence over that so guaranteed, or it will have no preference over anything, and the baronies and landowners will thus become subjected to a liability not contemplated by them when they agreed to the guarantee.

"8. Because Parliament ought not to sanction any measure for the construction of a railway which does not appear to afford the means for completing the same, and the clear inadequacy of the provisions of this Bill to secure subscription for all the capital the company consider it necessary to apply for renders its adoption by Parliament objectionable.

"REDESDALE."

#### ARTIZANS DWELLINGS BILL—(No. 82.)

(*The Lord Steward.*)

##### COMMITTEE.

House in Committee (according to Order).

Clause 1 (Short title of Act) *agreed to*.



## PART I.—UNHEALTHY AREAS.

1. *Scheme by Local Authority.*

Clause 2 (Application of Act to certain districts and description of local authority).

THE DUKE OF SOMERSET said, that under this part of the Bill the Metropolitan Board of Works or any Local Authority would have authority to draw up any number of schemes, in the carrying out of which they might levy any amount of rates and exercise almost unlimited borrowing powers, and include them all in one improvement scheme, and yet the ratepayers would have no *locus standi* before the Confirming Authority in opposition to those schemes. The only parties who could be heard would be those whose properties were affected. He suggested also that much inconvenience might be caused to the poorer classes if too large a number of houses were demolished at the same time.

EARL BEAUCHAMP pointed out that Clause 6 would effectually prevent any such excess on the part of the Metropolitan Board of Works or any other Local Authority. The clause directed that the Local Authority, after due notice to the parties interested, should present a Petition in the case of the Metropolis to the Home Secretary—in the case of an urban district to the Local Government Board. These, who were termed the Confirming Authority, were to make local inquiries, and were, when satisfied, to make a Provisional Order; and this Provisional Order was of no validity until confirmed by an Act of Parliament. Therefore he (Earl Beauchamp) did not think there was ground for the apprehension of the noble Duke. Neither did he think there was good ground for anticipating that any large number of the poorer classes would be unhoused by the demolition of too large a number of houses at the same time. It was not to be supposed that a large number of schemes would be projected at the same time—and the work of improvement would proceed gradually. Experience in Edinburgh and Glasgow showed that in almost every case the persons displaced by demolition were able to obtain better accommodation at not much larger rent.

LORD NAPIER AND ETTRICK reminded their Lordships that the Metro-

politan Board of Works was elected by the vestries, who were elected by the ratepayers. There would be no difficulty in providing dwellings for the people displaced by improvements under the Bill.

Clause *agreed to.*

Clause 3 (Local Authority on being satisfied by official representation of the unhealthiness of district to make scheme for its improvement) *agreed to.*

Clause 4 (Official representation by whom to be made).

LORD MONTEAGLE OF BRANDON proposed an Amendment to insert words requiring Registrars, when required by Vestries or District Boards, to transmit a return of particulars concerning deaths.

THE DUKE OF RICHMOND said, the Amendment would be more appropriate in a Registration Bill.

Amendment *negatived.*

Clause *agreed to.*

Clause 5 (Requisites of improvement scheme of local authority).

THE EARL OF SHAFTESBURY desired to express his opinion that if the demolition of condemned dwellings was proceeded with gradually, it would cause no serious inconvenience to the poorer classes even for the time, and would confer great and lasting benefit upon these classes. He must, however, say that the cases of Edinburgh and Glasgow were not cases in point. In those cities should the working people flowed over into the suburbs, they would have, even then, only a short distance between them and their places of work, whatever the district in which they went to live. But in London it was altogether different, and if in this metropolis, so remote in its extent, and its suburbs so vast, you demolished a large number of houses in a given locality at the same time, the working men and women who had lived in them would be obliged to migrate to other districts at very considerable distances. The result would be that they must leave the employment at which they had been engaged and seek a new connection in the neighbourhood of their new homes. Such an inconvenience would be obviated if the local authority only demolished 15 or 20, or 30 houses at a time. He hoped, therefore, the Government authorities to whom the powers of con-

ferring were entrusted, would take care to check sudden and wholesale removals by large demolitions, and encourage gradual displacements, so that the people disturbed might have a fair opportunity of finding new residences. Such wholesale displacements as had taken place in Westminster had inflicted great hardships by driving away the working people from the places of their employment. These, however, were points of detail, and he felt satisfied that the Bill would work much good if the local authorities, while anxiously availing themselves of its provisions, carried out their scheme by a discreet and gradual method.

LORD ABERDARE said, there was another aspect of the question — he thought it a wise and charitable thing to break up “rookeries,” and places of like character, where poor people were massed together in contempt of all health and decency. In Glasgow 26,000 dwelling-places were constructed in lieu of 500 demolished.

EARL BAUCHAMP thought that if only the sites were obtained, the new buildings would be sure to be erected.

*Clause agreed to.*

## 2. Confirmation of Scheme.

Clause 6 (Improvement scheme by provisional order to be confirmed by notices) *agreed to.*

Clause 7 (Costs to be awarded in certain cases) *agreed to.*

Clause 8 (Inquiry on refusal of local authority to make an improvement scheme).

LORD NAPIER AND ETTRICK said, he had an Amendment to propose, the object of which was to put on the same footing all parties affected by the Bill; to bring the provisions of the Bill in harmony with existing Acts and projected Acts of similar character; and to compel the Local Authorities to do their duty under the Bill. The Bill as it stood was partly permissive and partly compulsory. It was permissive as far as the Local Authorities, it was compulsory so far as the interests of property were concerned. He did not doubt that the owners of property would be found ready to make the sacrifices required of them for the public good, but in equity a similar sacrifice should be demanded of the Local Authorities.

*The Earl of Shaftesbury*

By the Sanitary Acts the Local Government Board could, if they thought fit, order a scheme to be carried out by the local authority; and if the latter refused to comply, the Board sent an officer down to impose a rate on the recalcitrant locality, and enforce the improvement. The Rivers Pollution Bill now before their Lordships would also give a veto to the Local Government Board. The compulsory power had reference also to moral and educational improvement, for the Education Department possessed a power to order the erection of a sufficient number of schools. A compulsory power vested in the Confirming Authority would be of use to the Local Authorities themselves. They were the municipal bodies, and no doubt they would be willing to do their duty as well as they could do it under present circumstances; but they were selected by the ratepayers, and it was only natural to suppose that in some cases at least they might not have sufficient firmness to carry out an improvement if the effect would be to imperil their re-election. But if they could tell the ratepayers that there was a compulsory power behind the municipality which would come down upon it if it did not do the work, that would put them in a much better position with their constituents. He begged to move to add at the end of the clause this Proviso:—

“And in case the report thus rendered shall substantiate the official representation, or show that an improvement scheme is necessary, it shall be open to the confirming authority to communicate such report to the local authority and summon the local authority to present an improvement scheme within a specified period; and should the local authority fail to present the required scheme it shall be open to the confirming authority, being satisfied of the sufficiency of the resources of the local authority, to frame an improvement scheme conformable to the provisions of Clause 5 of the present Act, and to communicate the same to the local authority; and it shall be the duty of that authority to proceed with such scheme under the provisions of Clause 6 of the present Act in all respects as if such scheme were a complete improvement scheme freely adopted by the local authority; and in case the confirming authority shall see fit to submit to Parliament a confirming Act authorizing the execution of an improvement scheme framed under these conditions, copy shall be furnished to Parliament of all correspondence which has passed between the local authority and the confirming authority in connection with such scheme.”—(*The Lord Napier and Ettrick.*)

EARL BEAUCHAMP said, he could not accept the Amendment. The evils

the Bill intended to remove were evils of a particular kind, and, therefore, the powers to be given must necessarily differ from those given in cases that were not analogous. The evils to be dealt with were local, and the improvements under the Bill must be carried out by persons on the spot, and with the concurrence of the locality. Those improvements were not on all fours with the work provided for in the Sanitary Acts. In the case of the Pollution of Rivers the powers given were to prevent things being done, not to enforce the doing them. Some Acts must be in their nature permissive—such as the Libraries Act; and he found that in a report made by the Charity Organization Committee in 1873 it was recommended that the Metropolitan Board of Works and the Corporation of the City should be “armed with the powers” which this Bill would confer, and “urged to use them;” but there was not one word in the report recommending the compulsory principle now advocated by the noble Lord, and yet the report itself was signed “Napier and Ettrick, Chairman.”

LORD ABERDARE said, that the compulsory powers given to the Home Office, in the case of sewage and water supply, by the Act of 1866, had been included in the Act in consequence of the reports made by Government Inspectors. Only in three or four instances had the Department undertaken to carry out works itself; and in those instances the process had been found a troublesome one, owing to the Home Office having to send down its own engineers and working staff. It would be impossible to do this in the case of a large number of schemes projected from time to time with the view of improving the dwellings of artizans.

LORD NAPIER AND ETTRICK said, he did not propose to empower the Confirming Authority to execute the works itself.

LORD ABERDARE knew that the noble Lord did not make that proposition; but unless that was done, how could security be taken that effect would be given to his Amendment? If the Confirming Authority were not invested with the authority to execute the works itself in case the Local Authority refused, how could it compel the latter to act? He did not think it would be

necessary to compel the Local Authorities formed under this Bill to discharge their duties; but if it should appear that they failed to do so, it was necessary that the Secretary of State or Local Government Board should have power to direct an inquiry; but it was impossible to give power to the Secretary of State to do the work when a hostile Board refused to do it. The only effectual mode was to bring public opinion to bear, and this the Bill would do, for when the evil was declared and the remedy provided, it was not likely the inhabitants would elect persons not to do it. It would be impossible, and if it were possible it would be mischievous, to interfere with the action of the Local Authorities in respect of improvements such as those contemplated in the Bill.

EARL FORTESCUE concurred in the disadvantages and difficulties in carrying on such works through the Central Authority, but it might be very useful for the Home Secretary to have authority to do so where the local bodies refused to comply. Such, for instance, as in the case of exceptional mortality arising from the disgraceful condition of the dwellings in any particular locality.

EARL BEAUCHAMP believed that local public bodies would be induced by their public spirit and the experience of other places to avail themselves of the provisions of the Bill without being compelled to do so by the Central Authority. Should it happen hereafter that it was necessary compulsory powers should be given to the Central Authority, application might then be made to Parliament to confer such powers as might be thought expedient.

EARL FORTESCUE said, he did not distrust the Local Authorities generally, but thought that provision should be made for the few cases in which corporations might obstinately refuse to carry the Bill into operation.

Clause agreed to, with Amendments.

Clause 10 (Completion of scheme on failure of local authority) *agreed to*.

Clause 11 (Notice to occupiers by placards) *agreed to*.

Clause 12 (Power of confirming authority to modify authorized scheme).

THE DUKE OF SOMERSET expressed his opinion that the power of the Confirming Authority to allow the Local Authority to modify any part of an improve-

ment scheme authorized by the Confirming Act which it might appear inexpedient to carry into execution in accordance with such Act was too large. It was, in fact, a mode of superseding the authority of Parliament which appeared to be objectionable.

EARL BEAUCHAMP said, that as in many cases it would probably take several years to carry out the schemes completely, it might become necessary that the schemes should be varied or modified, and it was better that such modification should be effected with the sanction of the Central Authority rather than that the local bodies should be forced to apply to Parliament for the purpose.

LORD ABERDARE suggested that some limitation might be usefully placed upon the action of the Central Authority in the exercise of the power in question.

EARL BEAUCHAMP said, he would consider the matter, and would propose some modification of the clause on the Report.

Clause *agreed to*.

PART II.—PROVISIONS  
ANCILLARY TO IMPROVEMENT SCHEMES.

*As to Local Authority.*

Clauses 13 to 15 (*Medical Officers*) *agreed to*.

Clauses 16 to 18 (*Local Inquiry*) *agreed to*.

Clause 19 (*Acquisition of Land*).

THE EARL OF AIRLIE suggested that the second subsection of the clause should be altered so as to exempt property proposed to be taken which was adjacent to an infected area from the mode of purchase applicable to such area.

THE EARL OF KIMBERLEY, in supporting the suggestion, observed that it would be manifestly unjust if the owner of adjacent property to be purchased did not obtain the full value for it.

EARL BEAUCHAMP regretted that Notice of the Amendment had not been given, and promised to give it his consideration.

Clause *agreed to*.

Clause 20 (*Acquisition of Land*) *agreed to*.

Clauses 21, 22, 23 (*Expenses*) *agreed to*.

PART III.—GENERAL PROVISIONS.

Clauses 24 to 31, inclusive, *agreed to*.

The Report of the Amendments to be received To-morrow.

*The Duke of Somerset*

LANDED ESTATES ACT (IRELAND)  
AMENDMENT BILL—(No. 97.)  
(*The Lord O'Hagan*.)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD O'HAGAN, in moving that the Bill be now read the second time, explained that its object was to remove a defect in the Landed Estates Act, which had been found to lead to considerable litigation. The Judge of the Land Court was by a new provision in the Irish Land Act called upon to specify all the easements connected with a property before a sale, and this led to great expense and delay—especially now that small portions of land were being brought into the market. The clause frequently rendered almost useless the best Parliamentary title, especially where sales of house property were concerned, and the Record of Title Act could not be applied at all. The Bill had been prepared with great care, and it had received the approval of the distinguished Judge who presided in the Landed Estates Court, and other authorities.

*Moved*, "That the Bill be now read 2<sup>a</sup>."  
—(*The Lord O'Hagan*.)

THE LORD CHANCELLOR agreed that a case had been made out for the Bill. It was, he thought, unnecessary and undesirable that the Court should be compelled to specify the easements to which a property was subject. Sales of small estates, and especially of property in towns, were delayed and rendered more costly by the clause which called upon the Court to determine every question of easement as between every portion of the property sold. The provision was peculiar to Ireland. In all the Acts in force in this country the Court was not obliged, in giving a certificate of title, to declare what were the easements connected with the property. Under the present Bill the Judge would have the option of specifying the easements if it were convenient; but it was not made an unbending rule that he should specify every easement before selling the property.

LORD INCHQUIN said a few words in approval of the Bill.

Motion *agreed to*; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House To-morrow.



## ARMY EXAMINATIONS.

## ADDRESS FOR A PAPER.

LORD STRATHNAIRN moved that an humble Address be presented to Her Majesty for Copies of the examination papers issued for the examination of candidates for first commissions in the Army, and for examination upon promotion since the introduction of competitive examination.

EARL CADOGAN was understood to say that the examination papers of the candidates for first commissions would appear in ordinary course in the Annual Report of the Civil Service Commissioners, and to anticipate that publication would encourage candidates to get up the papers instead of the subjects generally. There was no objection to the separate production of the examination papers of those examined upon promotion; and he would agree to a Motion relating to these papers only.

Motion amended, and agreed to.

Address for Copies of the examination papers issued for the examination of candidates for examination upon promotion since the introduction of competitive examination. — (*The Lord Strathnairn.*)

House adjourned at Seven o'clock,  
till To-morrow, half past  
Ten o'clock.

## HOUSE OF COMMONS,

Thursday, 3rd June, 1875.

MINUTES.]—NEW WRIT ISSUED—*For Suffolk* (Western Division), *v.* Lord Augustus Hervey, deceased.

PUBLIC BILLS—Ordered—First Reading—Maynooth College \* [194]; Criminal Law Amendment \* [195].

First Reading — Chelsea Hospital (Lands) \* [193].

Committee—Friendly Societies (*re-comm.*) [169] —R.P.

Committee—Report—Pier and Harbour Orders Confirmation (No. 2) (*re-comm.*) \* [113]; Saint Paul's Cathedral (Minor Canonries) \* [179].

Considered as amended—Public Health [157]; Metropolitan Police (Surgeon, Clerk, &c. Superannuation) \* [172].

Third Reading—Public Entertainments \* [178], and passed.

EUROPEAN ASSURANCE SOCIETY  
ARBITRATION BILL.—[Lords.] (*By Order.*)

## SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL moved that this Bill, which had come down from the House of Lords, should be now read the second time. He explained that in seeking to fill up the vacant post of Arbitrator, which vacancy had been occasioned by the deaths, in succession, of Lord Westbury and Lord Romilly, the Lord Chancellor was obliged by the existing Act to choose a gentleman who either was, or had been, a Judge, and that, as there were difficulties in complying with this condition, it was proposed by the present measure to make the qualification simply 15 years' standing at the Bar. It was intended, moreover, to provide for an appeal from the decisions of the Judge to the Full Court of Chancery, and also for bringing before the same Court points in regard to which the late Arbitrator, Lord Romilly, had differed from his predecessor, Lord Westbury. With respect to an Amendment which had been placed on the Paper by the hon. and learned Member for Coventry (Mr. Jackson), objecting to the measure being dealt with as a Private Bill, he explained that, under the Rules of the House of Lords, it had been found necessary so to treat it. He was prepared to accede to the proposal made in another Amendment of the same hon. and learned Member—namely, that the Bill should be referred to a Select Committee; five Members to be nominated by the House and four by the Committee of Selection.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Attorney General.*)

MR. JACKSON, under these circumstances, would not oppose the second reading.

SIR PATRICK O'BRIEN said, there was a strong objection on the part of many persons interested to any one under the status of a Judge being appointed Arbitrator.

MR. RAIKES remarked that the appointment of a Select Committee would afford an ample opportunity of weighing



all objections, and pointed out that it would be especially important to consider whether it was desirable to leave the Arbitrator to decide at his own discretion whether or not there should be an appeal.

MR. CHARLES LEWIS said, he thought there had been nothing more lamentable in the administration of justice in this country than the European Assurance Society Arbitration. At the end of five years, and after an expenditure of about £50,000, they had come to the conclusion that nothing whatever had been actually settled. It was to be hoped that this scandal would not be aggravated in the future.

MR. MELDON maintained that the policy-holders ought, in justice, to have a right to appeal not dependent on the discretion of the Arbitrator.

*Motion agreed to.*

Bill read a second time, and committed to a Select Committee:—Five to be nominated by the House, and four by the Committee of Selection.

#### LICENSING ACT, 1872—TRANSFER OF LICENCES.—QUESTION.

MR. JOSHUA FIELDEN asked the Secretary of State for the Home Department, If his attention has been drawn to the report of the West Riding Petty Sessions, held at Pontefract on the 1st April last, at which the chairman announced that "the magistrates were determined to refuse the transfer of all licences on which convictions had been endorsed;" and, if such a decision is authorized by the Licensing Acts; and, if not, what action he proposes to take in the matter?

MR. ASSHETON CROSS, in reply, said, he was informed that the Chairman of the Justices had made no announcement of any such determination as that stated in the Question, but that the Justices did take precautions to insure a respectable tenant where two convictions were endorsed on licences. As far as he could judge, no general rule was laid down for all cases, but each case was dealt with individually.

#### NAVY—NAVAL COLLEGE—WEYMOUTH.—QUESTION.

MR. EDWARDS asked the First Lord of the Admiralty, Whether,

*Mr. Raikes*

looking to the National importance of the proposed Naval College and to the advantages offered by Weymouth, its harbour and breakwater, for exercising cadets in sailing vessels and navigation, together with the facilities of railway communication, the Government will consent to appoint a Departmental Commission to examine and report on the fitness of Weymouth, before coming to a determination as to the site of the Naval College?

MR. HUNT, in reply, said, he trusted the hon. Member would not think him presumptuous if he said he hoped to be able, with the assistance of his Colleagues, to determine the question to which he alluded without the appointment of a Departmental Commission.

#### MERCHANT SHIPPING ACT, 1854.—PILOTAGE FUND.—QUESTION.

MR. ASHLEY asked the President of the Board of Trade, Whether the Trinity House, in their administration of the Pilotage Fund, to which all pilots are bound to contribute, confine the superannuation allowances for incapacitated pilots to those among them who are more or less paupers, relying on the terms of 6 Geo 4, c. 125, s. 52, where the word "indigent," stands before "pilots;" and, if this be so, whether the Board of Trade will take steps to rectify this practice?

SIR CHARLES ADDERLEY: Sir, the Trinity House do not apply the Pilot Fund according to the terms of the Act referred to by the hon. Member—which Act is repealed—but under the 386th section of the Merchant Shipping Act of 1854, which makes all pilots, incapacitated by age, infirmity, or accident, eligible for the benefits of the fund and the superannuation allowances.

#### HIGHWAYS—TURNPIKE TRUSTS—REPAIRING OF ROADS.

##### QUESTION.

COLONEL GILPIN asked the President of the Local Government Board, Whether it is the intention of Government to introduce any measure for the relief of highway boards and parishes from the charge of repairing roads (recently turnpike) which has devolved upon them owing to the dissolution of turnpike trusts; and, whether it is intended to

compensate in any way those mortgagees who, having advanced money for the purpose of making turnpike roads for the accommodation of the public, have now lost both principal and interest by the discharge of such trusts?

MR. SCLATER-BOOTH, in reply, said, it was not the intention of the Government, during the present Session, to introduce any measure upon the subject of highways. If any such measure were introduced, no doubt it would make some provision for relieving in certain cases highway districts and parishes from charges which pressed very severely on them. At the same time, during the last quarter of a century a large number of parishes had borne those charges cheerfully rather than have a continuance of toll bars and turnpike tolls. As to the second part of the Question of the hon. Member, the House of Commons and the Home Office in former days had always been very careful of the interests of mortgagees in arranging for the expiration of turnpike trusts, and he was not aware that there was any occasion for the Government to interfere by further legislation on the matter.

#### NATIONAL SCHOOL TEACHERS (IRELAND).—QUESTION.

MR. LAW asked the Chief Secretary for Ireland, When he will be prepared to submit to the House the scheme proposed by Her Majesty's Government for improving the position of teachers of National Schools in Ireland?

SIR MICHAEL HICKS - BEACH, in reply, said, when the hon. and gallant Member for Longford (Major O'Reilly) brought that subject under the notice of the House he intimated that the Government would be prepared to assist in improving the position of the teachers of National Schools in Ireland by contributions from the Imperial Exchequer, on condition that they were aided from local resources. It was obvious that the scheme would require, in the first place, a Bill to provide for the contribution from local resources, and, secondly, a supplemental Estimate. He had not yet had an opportunity of obtaining the sanction of the Government to the scheme which he had to propose on the subject; but of course the supplemental Estimate would be presented to Parliament in proper time for its consideration; and

he hoped to be able to introduce the Bill in a week or ten days.

#### POST-OFFICE SAVINGS BANKS—MR. C. W. SIKES.—QUESTION.

MR. LEWIS STARKEY asked Mr. Chancellor of the Exchequer, Whether, seeing that a sum of not less than £860,000 has been realized to the nation through the instrumentality of the Post Office Savings Banks, some pecuniary grant is not fairly due to Mr. Charles William Sikes, the Chief Originator of the system; and, if so, whether Her Majesty's Government is prepared to take the matter into its consideration?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon. Member describes Mr. C. W. Sikes as the chief originator of the Post Office Savings Banks system. I am informed that although Mr. Sikes did submit some proposals for Post Office Savings Banks, yet his proposals were not adopted; that the present system is one which differs very widely indeed from that which he suggested; and that there is no case for any pecuniary grant to him.

MR. LEWIS STARKEY gave Notice that, in consequence of the right hon. Gentleman's Answer, he would call the attention of the House to that subject.

#### ARMY—SECONDED CAPTAINS. QUESTION.

MR. STACPOOLE asked the Secretary of State for War, Whether Captains attached to the Musketry and Garrison Instructor's Department are not at present seconded; whether Captains holding appointments for five years in the Topographical, Adjutant General's, and Quarter Master General's Departments are at present seconded; and, if not, whether there is any objection to seconding Captains holding such appointments in the three last mentioned departments?

MR. GATHORNE HARDY: Sir, the question is of a very technical character, and I am afraid I cannot make my answer to it very clear to the House generally:—1. Captains of the Line are seconded, or, rather, made supernumerary, when employed as Assistant Adjutant Generals or Deputy Assistant Adjutant Generals for Musketry, or as Instructors at Hythe, or as Garrison In-

structors. In the Artillery, officers employed as Garrison Instructors are also made supernumerary; but this is not the case in the Engineers. 2. Captains of the Line and of the Engineers holding appointments for five years in the Topographical, Adjutant General's, and Quartermaster General's Departments are not at present seconded; but all officers of Artillery employed in these Departments are borne supernumerary to the establishment. In reply to the third Question, I have to state that the matter is under consideration.

UNION RATING AND JURY LAWS  
(IRELAND)—LEGISLATION.

QUESTIONS.

SIR JOSEPH M'KENNA (for Mr. BUTT) asked the Chief Secretary for Ireland, Whether he intends during this Session to bring in any Bill dealing with the question of Union Rating?

MR. R. POWER asked the Chief Secretary for Ireland, Whether he intends during the present Session to bring in any Bill dealing with the Irish Jury Laws; and, if so, when he will introduce it?

SIR MICHAEL HICKS-BEACH, in reply, said, that a measure on the Irish Jury Laws had for some time past been drafted; but, as the progress of Public Business had not been encouraging, it was, he was afraid, utterly hopeless that it could be proceeded with this year. He expected, however, to be able to introduce, at the earliest possible period next Session, a general Bill dealing with the question. As to Union Rating, the subject was one which he thought could be best dealt with in a measure dealing with the Grand Jury Laws, which was even a larger question, and it would be for the same reason impossible for him to propose legislation on it this Session.

PERU—GUANO.—QUESTION.

CAPTAIN NOLAN asked the Under Secretary of State for Foreign Affairs, If the Peruvian Government has recently made changes in its system of disposing of guano which will affect its price in this Country; and, if guano is to be sold by the Peruvian Government at different prices in different countries; and, if so, will this Country be placed on the footing of the most favoured nation?

*Mr. Gathorne Hardy*

MR. BOURKE, in reply, said, the Government was informed by their Chargé d'Affaires at Peru that last October three Bills were submitted to the Assembly for the purpose of carrying out contracts for the supply of guano in France, Germany, Belgium, Italy, Holland, the West Indies, and America. Tenders were advertized for in the chief European and American newspapers. It would be impossible to say whether the effect would be to increase the price of guano or not; but Her Majesty's Chargé d'Affaires had been instructed to get for this country the best advantages of the most favoured nation clause. Up to the last despatches in the middle of April last he had not heard whether these Bills had passed the Assembly or not. They were under discussion at that time.

ARMY—THE MILITIA RESERVE—  
AUTUMN MANŒUVRES.—QUESTION.

MR. PRICE asked the Secretary of State for War, Whether there is any truth in a rumour which is current in certain parts of the country to the effect that the Militia Reserve is to be called upon to take part in the Summer and Autumn Manœuvres of the present year; and, whether he is aware that this rumour has had a prejudicial effect in the recruiting for the Militia Reserve?

MR. GATHORNE HARDY: There is no truth, Sir, in the rumour alluded to, nor has it been heard of in the War Department till now. Up to the present time there has been no falling off in the numbers of the Militia Reserve.

VISIT OF H.R.H. THE PRINCE OF  
WALES TO INDIA.—QUESTION.

MR. LEITH asked the First Lord of the Treasury, Whether the expenses of His Royal Highness the Prince of Wales, connected with his voyage to and tour in India, will be charged to the Imperial Exchequer or to the Indian Treasury; or are they to be apportioned in any, and what proportion, between the two countries?

MR. DISRAELI: Sir, the arrangements which will be made with regard to the visit of His Royal Highness the Prince of Wales to India will be such, as I trust and believe, will meet with the approbation of this House. I must, at the same time, most respectfully protest

against hon. Members assuming that there is to be a grant of public money proposed, and upon that assumption asking Questions which I think the House will feel it would be more respectful to itself, and certainly more convenient, should be reserved, should any proposition of that character be made, until that occasion.

#### GERMANY AND THE PAPACY.

##### QUESTION.

MR. WHALLEY asked the First Lord of the Treasury, with reference to the recent communications between Her Majesty's Government and those of Germany and France as to the relation of those Powers with each other, Whether he is prepared to state that Her Majesty's Government have given no occasion for the statements in the public journals of Berlin, or others, that this country "has ranged herself amongst the possible adversaries of the German Empire in its contest with the Papacy?"

MR. DISRAELI: Sir, I have not seen those "public statements in the journals of Berlin, or others," to which the Question of the hon. Gentleman refers. I beg to add, on the part of the Government, that we are not responsible for anything which appears in newspapers, either foreign or domestic.

#### THE MERCHANT SHIPPING ACTS AMENDMENT BILL. — QUESTION.

MR. PLIMSOLL asked the First Lord of Treasury, Whether, seeing that the Merchant Shipping Acts Amendment Bill deals with questions involving human life, he can give the House an assurance that time will be secured by the Government to discuss and pass the Bill this Session?

MR. DISRAELI, in reply, said, that it was the intention of the Government to use their utmost endeavours to pass all the Bills which they had introduced and which had received the acceptance of the House by being read a second time. The Merchant Shipping Acts Amendment Bill was in that category, and he need hardly assure the hon. Gentleman that it was his fervent hope it would be passed in the present Session.

#### PRIVILEGE—STRANGERS.—QUESTION.

MR. SULLIVAN asked the Secretary of State for War, If it is the fact that unless in the case of a few strangers located in a particular gallery, the use of a pencil and paper is rigidly forbidden to strangers present at our debates; and, if, with a view to remove any distinction between different classes of strangers present at our debates, Her Majesty's Government intend to propose that any stranger, wherever he may sit may take notes, so long as he conducts himself in all other respects with propriety, and in no way interferes with good order or with the convenience of other persons?

MR. GATHORNE HARDY: It may seem strange that the hon. Member should address his Question to the Secretary for War; but I am bound to admit that he had good reasons for so doing; for in the statement I made the other day I was under the impression that any one could take notes. I am informed, however, that from time immemorial to the present day that has been forbidden, and that for reasons which make me think it undesirable to interfere with the Rule.

#### CENTRAL ASIA—RUSSIA AND THE OXUS.—QUESTION.

MR. HANBURY asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to a letter of M. Vambéry, in "The Times" of 2nd June, relating to a new Russian expedition to hitherto unknown districts of the Upper Oxus; whether the purpose of the expedition has been communicated to the English Government; and, whether, as stated by M. Vambéry, the diplomatist M. Weinberg is a member of the expedition, and if it is of a political as well as of a scientific character?

MR. BOURKE, in reply, said, he had read the letter in question with great interest, but that no information had been received at the Foreign Office on the subject.

#### SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL.

##### QUESTIONS.

MR. R. SMYTH asked the right hon. Gentleman at the head of the Go-



vernment, Whether he will give an assurance that every facility will be afforded to resume the debate on the Sale of Intoxicating Liquors on Sunday (Ireland) Bill?

MR. DISRAELI: Sir, I cannot give the hon. Gentleman any assurance of the nature he requires. The time at the disposal of the Government to carry through important Bills, so as to endeavour to prorogue the House at the usual time is very short indeed, and to accomplish that I have been obliged to appeal to the House to give us Morning Sittings. There is a rule, certainly, that in the case of Bills which have been considered and their principle adopted by being read a second time, we should in the month of June give every assistance in their further progress. In the case, however, of Bills not thus read, as in that of the Monastic and Conventual Institutions Bill, there is, as I told my hon. Friend the Member for North Warwickshire (Mr. Newdegate) the other night, no precedent for asking the House to waste a considerable portion of precious time in discussing them. The same course applies to the adjourned debate on the Bill to which the hon. Gentleman (Mr. R. Smyth) refers, and I mean him no disrespect in saying that there is no use, as it seems to me, in carrying on debates which lead to no public benefit.

MR. ANDERSON asked, after the announcement of the right hon. Gentleman, differing so very materially from that made on a former memorable occasion, Whether the Lord Advocate hoped to proceed with the Sheriffs' Court (Scotland) Bill—the only Government legislation for Scotland of any importance this year?

MR. ASSHETON CROSS replied that the statement of his right hon. Friend tallied exactly with what he said on a former occasion, but he was then misunderstood. The Lord Advocate would undoubtedly bring this Bill before the House at an early period.

#### PUBLIC HEALTH BILL—[Bill 15.]

(Mr. Sclater-Booth, Mr. Clare Read.)

#### CONSIDERATION.

Bill, as amended, *considered*.

MR. SCLATER-BOOTH moved, in page 162, after line 9, to insert the following clause:—

*Mr. R. Smyth*

(Local board to be burial board in certain cases.)

“When a vestry of any parish comprised in a local government district resolves to appoint a burial board, the local board may at the option of the vestry be the burial board for such parish, and all expenses incurred by such burial board shall be defrayed out of a rate to be levied in such parish in the same manner as a general district rate: Provided, That if such parish has been declared a ward for the election of members of the local board, such members shall form the burial board for the parish, and shall be deemed to be a burial board elected under the Burial Acts for the time being in force.”

Clause *agreed to*.

Clause 50 (General powers for supplying district with water. P. H., s. 75. San. 1866, s. 11. P. H. 1874, s. 33.).

MR. ALEXANDER BROWN proposed to insert words which would give the Local Government Board power in cases where the local authorities neglected to provide a sufficient supply of water to take proceedings for the purpose of compelling them to do so.

Amendment proposed, in page 20, line 25, after the word “may,” to insert the words “and when required by the Local Government Board shall.”—(Mr. Alexander Brown.)

Question proposed, “That those words be there inserted.”

MR. SCLATER-BOOTH said, he believed the Amendment to be entirely unnecessary, because the Local Government Board had power under the Bill, when complaints were made of a want of supply of water, to compel the local authorities to provide it. The great difficulty, however, they would have to contend with was in cases where builders of houses neglected to provide sufficient accommodation.

Amendment, by leave, *withdrawn*.

Clause 69 (Prohibition of occupying cellar dwellings. P. H., s. 67. San. 1866, s. 42.).

MR. RATHBONE moved the insertion of words to the effect that the provisions as to cellar dwellings should hold good, notwithstanding the provisions of the local Act to the contrary.

Amendment proposed,

In page 26, line 34, after the word “Act,” to insert the words “the foregoing provisions as to cellar dwellings shall apply, notwithstanding the provisions of any local Act to the contrary.”—(Mr. Rathbone.)

Question proposed, “That those words be there inserted.”



MR. SCLATER-BOOTH said, he did not know how far this Amendment would carry them, or how many local Acts would be disturbed by adopting it. The Local Government Board, on the application of the local authorities, had now the power to alter the terms or vary the provisions of local Acts, and he should be ready to exercise that power if application were made to him. He, however, thought it would be dangerous to interfere with local Acts in the way now suggested.

MR. NEWDEGATE suggested that it was desirable, in any Act relating to corporate property, that the recommendations of such bodies should be embodied in the Bill. He wished to know whether there was any security as to the period of the Session when a Bill embodying the Provisional Orders would be submitted to Parliament? He thought such a Bill should be laid on the Table of the House early in the Session, so that it might receive the due consideration of Members.

MR. SCLATER-BOOTH replied, that the only security which he was aware of was a Standing Order of the House of Lords, which provided that these Bills should not be introduced into that House after a certain day in June. He should only be misleading the House if he were to say that it would be practicable to have them all introduced at the beginning of the Session.

Amendment, by leave, *withdrawn*.

Clause 89 (Definition of nuisances. N. R. 1855, s. 8. San. 1866, s. 19.).

MR. SCLATER-BOOTH said, he would not press an Amendment of which he had given Notice, the effect of which would be to give power to the authorities to deal with cases in which premises were in such a state as to be "either" a nuisance or injurious to health. If it was found necessary, the Amendment could be made when the Bill got into the House of Lords.

LORD ESLINGTON objected to the matter being allowed to stand over until the Bill reached "another place," of which they knew little, and moved the insertion of the word "either," in accordance with the Amendment of which the President of the Local Government Board had given Notice.

MR. SCLATER-BOOTH, in assenting to the Amendment, remarked that the

point could still be dealt with in the House of Lords.

Amendment *agreed to*.

MR. GORST moved, in line 23, to leave out "may," and insert "shall." It had been provided that in certain circumstances where the best materials had been employed and the furnaces properly constructed, and where complaint was made of "smoke nuisance," the magistrates might dismiss the complaint. The object of his Amendment was to guide the discretion of the tribunal before which a case of smoke nuisance was brought.

MR. MUNTZ said, the Amendment of the hon. and learned Member was one of great importance. He (Mr. Muntz) had had great experience in matters of this kind, and he was aware of cases in which thousands of pounds had been expended in the vain endeavour to effect the consumption of smoke. To his knowledge, manufacturers had been periodically fined for not doing that which it was impossible to do. The Bill expressed the words, "as far as practicable;" but who was to be the judge of what was practicable? He should support the Amendment.

MR. SCLATER-BOOTH said, he had no objection to accept the Amendment to the extent as applied to the Justices of substituting the words, "shall dismiss the complaint," instead of "may dismiss the complaint," in such cases as were described in the Amendment.

Amendment *agreed to*.

Clause 112 (Duty of urban authority to complain to justice of nuisance arising from offensive trade. N. R. 1855, s. 27. San. 1866, s. 18. N. R. 1855, s. 30.).

MR. BOORD moved, in page 39, lines 31, 33, and 34, to leave out "urban," and insert "local."

Amendment *agreed to*.

MR. SCLATER-BOOTH moved in page 39, line 41, after "effluvia," to insert "which is a nuisance or."

Amendment *agreed to*.

Clause 153 (Power to regulate line of buildings. L. G., s. 35.)

MR. WHITWELL, in reference to some shop fronts projecting beyond others in the line of street, and thus constituting a disfigurement, moved, in page 53, line 30, after the word "build-

ing," to insert "or the front thereof." He said, that in numerous instances where the local authorities were desirous of setting back a street, the owners of houses had refused to pull down their shop fronts, although provision was made for compensation. They held out for exorbitant compensation.

MR. SCLATER-BOOTH said, he thought the weight of authority was undoubtedly considerable on the point; but it seemed to him that the pulling down a shop front might prove so great an injury to the owner that nothing could compensate him for it. He acquiesced, not without considerable reluctance, in the Amendment; but he thought that some modification of it was required.

*Amendment agreed to.*

Clause 179 (Regulations as to arbitration. P. H., ss. 123-128.).

MR. CAWLEY said, the clause at present left the appointment of the umpire, when the arbitrators disagreed, to the Court of Quarter Sessions. To obviate the inconvenience which might arise through the necessary delay of three months between the sittings of the Court of Quarter Sessions, he moved, in page 65, line 40, to leave out "Court of Quarter Sessions," and insert "Local Government Board."

MR. SCLATER-BOOTH accepted the Amendment.

*Amendment agreed to.*

Clause 257 (Justices may act through members of local authority, or liable to contribute. P. H., s. 132. N. R. 1866, s. 2. 30 & 31 *Vict.*, c. 115.).

MR. GORST moved, in line 30, to add the following Proviso:—

"That no justice of the peace who is also a member of the local authority shall act as such justice in any court of summary jurisdiction in any proceeding in which such local authority is complainant or defendant."

The object of the Amendment, he said, was to provide a completely impartial tribunal, and to recognize the Common Law principle that no person should be a judge in a matter in which he was himself interested.

MR. SCLATER-BOOTH said, he could not accept the Amendment, and hoped it would not be pressed. The justices of the peace would not, so far as the purposes of the Bill were concerned, be

*Mr. Whitwell*

"interested" in the sense of partizanship.

*Amendment negatived.*

Clause 268 (Appeal to Quarter Sessions. P. H., ss. 135, 136. N. R. 1855, s. 40.)

MR. GORST moved, in line 25, to leave out the words—

"In any case in which the penalty imposed or the sum adjudged to be paid exceeds twenty shillings or in which imprisonment is awarded."

*Amendment agreed to.*

Clause 285 (Districts may be united for appointing a medical officer of health).

MR. GOURLEY moved an Amendment, to the effect that not only boroughs having separate Courts of Quarter Sessions, but also "other urban or rural districts containing a population of 25,000 and upwards," should not be included in any union of districts for the purpose of appointing a medical officer of health, without the consent of the local authority.

*Amendment proposed,*

In page 111, line 8, after the word "sessions," to insert the words "or other urban or rural district containing a population of twenty-five thousand and upwards."—(*Mr. Gourley.*)

Question proposed, "That those words be there inserted."

Amendment made to the said proposed Amendment, by leaving out the words "or rural."—(*Mr. Chancellor of the Exchequer.*)

Another Amendment proposed to the said proposed Amendment, to leave out the words "twenty-five thousand," in order to insert the words "ten thousand," — (*Mr. Tollemache,*) — instead thereof.

Question, "That the words 'twenty-five thousand' stand part of the said proposed Amendment," put, and *agreed to.*

*Amendment, as amended, agreed to.*

Clause 296 (As to provisional orders made by Local Government Board. P. H., 1872, s. 45.).

MR. RATHBONE moved, in page 116, after line 24, to insert—

"(9.) The foregoing provisions shall apply to any Provisional Order amending a local Act, although such Act may relate to a district or districts of several urban sanitary authorities,

and such order may be made upon the application of any one or more of such authorities."

Question proposed, "That those words be there inserted."

MR. SCLATER - BOOTH said, he thought the proposal not unreasonable, but it was inconsistent with the spirit of the clause. He would consider, however, whether it could not be embodied in another part of the Bill.

Amendment, by leave, *withdrawn*.

Bill to be read the third time *To-morrow*.

# FRIENDLY SOCIETIES (*re-committed*) BILL.

(*Mr. Chancellor of the Exchequer, Mr. Secretary Cross, Mr. William Henry Smith.*)

[BILL 169.] (*Progress 1st June.*)

## COMMITTEE.

Bill *considered* in Committee.

(*In the Committee.*)

Clauses 12 and 13 *agreed to*.

Clause 14 (Duties and obligations of societies).

SIR WALTER BARTELOT moved, in page 10, line 7, to leave out all after "to" to "provide," in line 8, and insert "one or more auditors approved by the Registrar," his object being to secure that in future those who audited the accounts of these Societies should be fit and proper persons to discharge the duty.

MR. GOURLEY opposed the Amendment.

MR. DODSON said, the Societies were, no doubt, competent to appoint efficient auditors, but unfortunately they did not always do so, and anybody who had read the Report of the Evidence taken before the Royal Commission must see what evils had arisen even among Societies of considerable standing from the inefficiency of the law. He hoped the Chancellor of the Exchequer would apply his mind to secure, in some way or other, an efficient and independent audit. At present auditors were too often the mere creatures of the committeemen, who practically appointed them.

SIR ANDREW LUSK remarked that the auditors, if of any standing, considered themselves responsible for accounts. He opposed the Amendment as being inconsistent with the principle

that the Government were not to give a guarantee.

THE CHANCELLOR OF THE EXCHEQUER said, that this was not merely a question of expense, but of the position which the Government should take in this matter. No doubt, the Commission found that there had been very great laxity in the matter of audit, some of the auditors appointed being exceedingly slack in performing the most ordinary and obvious duties of their office. There was one case in which forms were printed with the signature of the auditor, and the figures were filled in afterwards by the authority of the committee. But there might not be another such case. There were also cases of a more delicate character, where the auditors did not think it right to do more than examine into the arithmetical correctness of the accounts submitted to them, without inquiring whether the committee had authority to incur the expenditure. Steps would be taken by which public auditors would be appointed by the authority of the Government, whose services could be obtained for the proper audit by these Societies; and he trusted the appointment of those public auditors might be of use in other matters besides Friendly Societies. He hoped the general effect of that Bill would be much to improve the system of audit; because it would enforce by penalties the fulfillment of their duties by auditors and other officers of those Societies. He proposed to amend Clause 32, providing for the imposition of a penalty for falsification of accounts, by adding to the words "if any person makes or orders" any false entry the word "allows," and also by adding words extending the penalty to an intentional evasion of the provisions of the Bill on that subject. That was as far as he thought they could reasonably go, and he objected to the Government undertaking to approve the auditor. If there was sufficient publicity given to the proceedings and sufficient watchfulness exercised, they might hope to check the abuses which had hitherto prevailed. At all events, he was not able to accept the Amendment of his hon. Friend.

MR. ANDERSON said, he did not think the explanation of the Chancellor of the Exchequer met the requirements of the case. The audit was insufficient in the Bill and required improvement. He had an Amendment of his own to

SIR HARCOURT JOHNSTONE suggested that the hon. and gallant Baronet (Sir Walter Barttelot) should alter his Amendment to "one of the said auditors not being a member of the Society." It would add greatly to the security of the Society if one auditor was always a non-member.

MR. FLOYER objected to the Amendment because it would interfere with what had been the ordinary practice of a large number of well-regulated Societies. In numerous instances these audits were conducted, and efficiently conducted, by some of the honorary members. They were persons generally well-qualified; they were amongst the more respectable classes of the place; and it would be a great misfortune if such persons were shut out from the performance of this duty. It could not be said that there was any necessity to have persons qualified to go into nice legal questions. All they had to see was that the different monies were carried to the right accounts, and that no money had been fraudulently dealt with.

MR. HENLEY said, that as the right hon. Gentleman the Chancellor of the Exchequer had thought fit to introduce auditors as a means of seeming to give security, they should be very careful how it was done. It was always a delicate matter for Parliament to decide upon the best course under such circumstances; but if they were to hold out to these Societies that by the appointment of auditors the Bill was going to give them security, the least they could do was to take care the auditors were of the best kind, and especially of a kind in which those who were concerned had confidence. Anyone who had had any experience of the world knew there was such a thing as "cooking" accounts; and if the affairs of these Societies were likely to go wrong the persons most likely to be cognizant of and wink at the cooking of the accounts would be those within the limits of the Society. He therefore thought the proposal of the hon. Baronet opposite (Sir Harcourt Johnstone), to have at least one of the auditors a non-member, was a most valuable one.

MR. MELDON thought that the appointment of auditors at all by Act of Parliament was objectionable in principle as interfering too much with the freedom of the Societies. If official auditors were

appointed they ought to be men of high standing, and they would require heavy fees, and the expense would tend to keep the smaller Societies out of the scope of the Bill.

MR. ALFRED MARTEN considered that an auditor who was himself interested in and belonged to the Society would be the most likely person to insist upon the accounts of a Society being well kept.

COLONEL BERESFORD said, he thought the provision in the Bill in reference to the appointment of auditors was a good one.

SIR WALTER BARTTELOT said, he was sure that those who agreed with him did not wish to cast any slur upon the members of the Society; but he felt himself bound to go to a division if his Amendment received any support from hon. Members.

MR. EVELYN ASHLEY said, he thought if the hon. and gallant Member was resolved to go to a division, he would improve his Amendment by inserting the word "benefit" in it.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 29; Noes 153: Majority 124.

MR. W. HOLMS moved, in page 10, line 8, after "provide," to insert "one at least of whom shall not be a member of the society, and shall be approved by the registrar." The hon. Member said, there was a very strong feeling that the Bill did not give all the guarantees which it might do for a satisfactory audit.

THE CHANCELLOR OF THE EXCHEQUER said, his objection to these propositions was that the whole proceeding would be a sham; because names would be sent up and receive the sanction of the Registrar which would give the appointments a kind of authority they were really not entitled to. He thought the Bill, in its present shape, would go very far towards bringing about a satisfactory and efficient audit.

MR. W. E. FORSTER was of opinion that, unless something of the kind proposed were done, the Bill would not really very much improve things as they stood.

THE CHANCELLOR OF THE EXCHEQUER said, it did not follow because an Act of Parliament did not succeed in making everything perfect it therefore



did no good. Under the present law nothing was required except that the rules should contain a provision for periodical or annual audit. But there was no provision as to the way in which the accounts should be prepared, no penalty on the auditors for mistakes or wilful omissions, the whole thing being as loose as possible. This Bill, though it did not go the length the hon. Gentleman wished, went a considerable way. It provided that there should be an audit by auditors; it gave the Registrar power to regulate the way in which the accounts should be prepared, and made other improvements where all was now in confusion. What the auditor would have to do was to see whether the items posted under the various heads—such as Sick Fund, Management, Death Fund, and so on—were properly posted. Besides, a penalty was imposed on the auditor if he did not do his duty properly. Therefore, it was nonsense to say that the Bill did nothing.

SIR ANDREW LUSK said, the Committee had decided this question already.

MR. COWEN suggested that if the members of a Society disapproved an audit by their own members, the members of the Society should be at liberty to appoint an additional accountant to be recognized by the Registrar or the Government.

THE CHANCELLOR OF THE EXCHEQUER said, if the members of a Society at one of its ordinary meetings disapproved an audit by persons who were members of the Society they would have the power of appointing other persons to audit the Society's accounts.

MR. W. HOLMS did not see why the Government should shrink from throwing this responsibility on the Registrar.

MR. CHADWICK believed that if the payment of small fees for auditing the accounts of a Society were made compulsory considerable damage would be done. He approved the option which the Chancellor of the Exchequer had proposed to give to Societies of appointing public accountants. He hoped the Amendment would be withdrawn, as the clause was much better as it stood.

*Amendment negatived.*

MR. WHITWELL proposed that after the word "provide" should be inserted—

"And whose names and addresses shall be sent up to the registrar and published by a notice put up in the lodge-room or board-room of the society, if any, three months before the period of audit."

His object was to give publicity to the names, so that the members of a Society might protest against the appointment, if they saw good and sufficient grounds for so doing.

THE CHANCELLOR OF THE EXCHEQUER said, the Amendment was quite in accord with the spirit of the Bill, and he was prepared to accept it.

MR. ALFRED MARTEN said, he thought it would be necessary to provide for cases in which the auditor appointed might die or become incapacitated from performing the duty, or the result would be that the audit would have to be delayed, which would be very objectionable.

MR. CHADWICK said, experience had proved that every audit ought to be a continuous one. Therefore, he would suggest that the auditor should be appointed at the beginning of the year, and be authorized to audit the accounts half-yearly, quarterly, or in any other mode he might think proper.

*Amendment agreed to.*

THE CHANCELLOR OF THE EXCHEQUER moved the insertion of words making it incumbent on auditors not only to see that the accounts were correct, but that they were in accordance with law.

*Amendment agreed to.*

MR. MELDON said, that when a certain number of the members of a Society thought the audit had not been fairly conducted, they ought to have the power to obtain an official investigation into the affairs of the Society. He therefore moved an Amendment giving the Registrar power to appoint at his discretion an official auditor, who was to be invested with all the powers possessed by the ordinary auditor.

THE CHANCELLOR OF THE EXCHEQUER pointed out that the object of the hon. Member would be substantially obtained by the 23rd clause, which empowered the Registrar, on the application of a certain number of members, to



cause an inquiry to be made into the affairs of the Society.

Amendment, by leave, *withdrawn*.

MR. ALEXANDER BROWN moved, in page 10, line 30, after "Parliament," to insert—

"Provided, That in those cases where societies send to the registrar, with the annual returns of receipts and expenditure, returns of sickness and mortality experienced by the society during the year, quinquennial returns as provided by this section shall not be compulsory."

Amendment *agreed to*.

MR. W. HOLMS moved, in page 10, line 36, after "by," to insert with a view to secure the appointment of a competent valuer—

"Some person not an officer of the society, carrying on publicly the business of an actuary, or approved by the registrar."

THE CHANCELLOR OF THE EXCHEQUER said, the objection to this Amendment was similar to the objection he had urged to the Amendment respecting audit. The great security was that the valuation should be made upon an uniform principle, and a power was reserved to the Registrar by one of the subsections to prescribe the form and particulars of every annual, quinquennial, or other Return. Thus there would be a security for a valuation on a uniform plan.

MR. CHADWICK suggested that the valuation should be conducted by a committee of three experienced persons appointed by the Society. In almost every Society there were men who, though perhaps in humble life, were competent to discharge this duty.

MR. SALT supported the Amendment, because he felt that the greatest care should be taken to make this quinquennial audit and report in particular as real as possible.

MR. W. E. FORSTER said, the valuation of a Society's assets and liabilities required an amount of technical actuarial information which they could hardly expect from the ordinary members of a Society. He had hoped, however, that the Chancellor of the Exchequer would adopt the principle of the Amendment.

MR. ALFRED MARTEN said, he thought the valuation would be best arrived at under the influence of regulations provided by the Registrar. An actuarial valuation would add a great expense to the Societies. He trusted

the Committee would not adopt the Amendment.

SIR WALTER BARTTELOT said, he thought that the Committee should adopt either the Amendment of the hon. Member for Paisley (Mr. W. Holms), or that of the hon. Member for Mid-Lincolnshire (Mr. E. Stanhope), because it was essential that these valuations should be accurate. The small Societies would certainly not be able to find amongst their own members any one fairly competent to take an account of the assets, and if Parliament were going to help them in that matter they must find a fit officer to undertake the duty, instead of leaving it to the members themselves, who might be guided solely by an interested person—namely, the publican.

THE CHANCELLOR OF THE EXCHEQUER objected to the Amendment, because it would throw a great impediment in the way of the registration of small Societies. One of the main difficulties with regard to valuations at present was that even the most eminent actuaries, when called in, arrived at different conclusions, because they proceeded on totally different principles in making the valuations. Then the cost of valuations would be beyond the means of small Societies. It would be better that the Registrar should draw up a list of matters that should be taken into account in making the valuation.

MR. CHADWICK complained that they were forcing too much upon working men, in the way not only of professional accountants, but professional actuaries and valuers. He thought valuers would do all that was required of actuaries.

SIR ANDREW LUSK agreed that actuaries belonged to the class of men who would not do their work without large payment, and that certainly was a difficulty in the present case.

MR. W. HOLMS disclaimed any intention to force actuaries upon Societies. A competent man would, however, be required, and his appointment should have the approval of the Registrar. All he wanted was to protect poor people by ensuring a proper valuation of the assets and liabilities of Societies.

MR. SPENCER WALPOLE approved of steps being taken to prevent the impression that the accounts of the Societies were not fairly and fully gone into at the proposed quinquennial periods, and

that the Societies were not capable of meeting their liabilities. It would be objectionable to put any unnecessary expense upon these Societies, because that would be a discouragement.

MR. WHITWELL suggested that the valuer should be compelled to make a declaration of his duties before the magistrates in petty sessions. He considered if his suggestion was adopted that it would bring the persons appointed before the public, and would secure efficient persons being appointed.

MR. BRISTOWE believed the Amendment would have the effect of strengthening the position of members of the Societies whom it concerned.

MR. MACDONALD said, it had been suggested that those Societies should be allowed to work out their own affairs, and he thought so too. With regard to the question of the proposed mode of valuation of the effects of the Societies, he considered it would be so expensive as to seriously diminish their property. He had received a communication informing him that there was a Society in Glasgow numbering 50,000 members, and that the cost of making a valuation of their property amounted to 500 guineas. He hoped, therefore, that the right hon. Gentleman would accept the Amendment.

THE CHANCELLOR OF THE EXCHEQUER said, the Amendment would be productive of considerable deviation from the principle of the clause; and he was sorry to say he could not accept it.

*Amendment negatived.*

MR. E. STANHOPE moved, in page 11, line 6, to add at end—

“Provided, That if the Society shall consist of less than one hundred members, and the registrar shall find that the assets and liabilities have not previously been valued by any actuary, he may direct the first valuation to be made at half the usual charge to the Society.”

THE CHANCELLOR OF THE EXCHEQUER entirely sympathized with the object of the Amendment, because he was most anxious that small Societies should come in under the Bill, and he would take care that the fees were so fixed as to give the greatest possible encouragement to small Societies. Probably he might be able to go even further than the Amendment with regard to the cost of the first valuation, and he might

possibly be able to make it almost a nominal charge.

*Amendment, by leave, withdrawn.*

MR. MACDONALD said, many Societies would object to the valuations on the ground of the expense which they would involve, and which, in the case of a Glasgow Society, he was informed, would amount to £500. He was afraid the result would be that such Societies would remain unregistered, and to guard against this he moved, in page 11, line 6, at end, to add—

“Provided always, That the valuations required by this section shall not be compulsory in the case of societies who shall comply with the following provisions: (1.) Shall have their tables of payments by members certified as sufficient to yield the benefits assured by an actuary qualified as provided for by section 11 of this Act, if such actuary shall have declared, by a certificate under his hand, the amount of loading allowed in computing such payments for the total expenses of collection and management; (2.) Shall satisfy the chief registrar that the average expenses of collection and management for each quinquennial period fixed by this Act do not exceed the amount allowed therefor by the actuary; and (3.) Shall satisfy the chief registrar that the sums saved, and which are added to the capital account during each quinquennial period, amount on an average to fifteen per centum of the gross income of the society.”

THE CHANCELLOR OF THE EXCHEQUER said, he had been fighting the battle of the Societies, and endeavouring to secure them as much as possible against Government interference; but the present clause went a great deal further than was desirable, and would defeat the object of the Bill. The payment of an actuary, according to the scale required in the Amendment, would involve the Societies in a considerable expense.

*Amendment negatived.*

MR. CALLENDER moved, in p. 11, line 8, after “books,” to insert “other than the minute books of the Society,” which ought to be regarded as of a confidential character, on account of the financial transactions therein recorded.

THE CHANCELLOR OF THE EXCHEQUER desired time to consider the special reasons urged in support of the Amendment, which he could not accede to, lest it should open the doors to the concealment of irregularities. He mentioned a case which was known to the Commission as the “Scotch joke;” there was a minute to the effect that the rail-

way fares of agents attending the meetings were to be paid, but this was qualified by another minute to the effect that the fares were to be paid only if the agents supported the directors.

SIR ANDREW LUSK said, nothing could be more dangerous than to close the books of the Society from the members; but he hoped the right hon. Gentleman would never consent to anything of this kind.

Amendment, by leave, *withdrawn*.

MR. W. HOLMS moved an Amendment to restrict the power of Registrars to dispense with quinquennial returns.

THE CHANCELLOR OF THE EXCHEQUER said, the provision, as it now stood, had been made at the request of a very large Society, the "Hearts of Oak," which represented that the cost of sending in a separate return would be very large, and all the necessary information could in their case be given otherwise.

Amendment, by leave, *withdrawn*.

THE CHANCELLOR OF THE EXCHEQUER moved in page 11, line 19, after the word "person," to insert the words "whose death is entered in any register of deaths."

Amendment *agreed to*

MR. DIXON moved, in page 11, line 22, after the word "entered," to insert the words "or of a duly qualified medical practitioner," these words having reference to the importance of medical certificates and the question of fees.

THE CHANCELLOR OF THE EXCHEQUER said, he was afraid he could not agree to the insertion of those words. The effect of their insertion would be to inflict a considerable loss on the Registrars.

MR. WHITWELL said, he hoped the hon. Member for Birmingham would not press his Amendment.

MR. GOLDNEY said, he thought the Amendment was unnecessary.

Amendment *negatived*.

MR. W. HOLMS moved, in page 11, line 25, before the word "fails," to insert the word "wilfully."

MR. MACDONALD hoped the right hon. Gentleman the Chancellor of the Exchequer would not accept the Amendment of the hon. Member for Hackney.

*The Chancellor of the Exchequer*

THE CHANCELLOR OF THE EXCHEQUER agreed that it was undesirable to weaken the clause by the insertion of the word "wilfully."

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 15 (Privileges of societies).

MR. SALT moved, in page 13, line 11, to leave out from "being," to "member," in line 13, both inclusive. The third sub-section of the clause enabled certain persons nominated to receive certain benefits at the death of a member; and the words he proposed to leave out limited the description of such persons. He thought a member of the Society should be able to nominate any person to receive those benefits.

MR. GOLDNEY said, he hoped the Amendment would be agreed to.

THE CHANCELLOR OF THE EXCHEQUER said, he had already enlarged the number of persons to whom benefits would be payable; but he was not disposed to be crabbed in this matter, if the feeling of the Committee appeared to be in favour of giving further extension. He would accept the Amendment; but, as there might be danger in allowing the nomination of officers of the Society in certain cases, he would add the words, "not being an officer or servant of the Society."

MR. SALT said, he had no objection to these words being inserted.

Amendment, as amended, *agreed to*.

MR. LOPES called attention to this—that, in the event of the death of an officer, the money of the Society in his hands would be protected for the Society; but there was no such protection given in the event of bankruptcy taking place, though this was now the law under the Friendly Societies Act. He moved in page 14, line 16, sub-section 7, after "death," to insert "or bankruptcy or insolvency."

THE CHANCELLOR OF THE EXCHEQUER said, he knew there was a strong feeling upon this point, and he was prepared to adopt the principle. If the words were inserted, he would see if they fully carried out the intentions of the Committee, and unless they did so, he would bring up a complete clause upon the Report.

Amendment *agreed to*.

MR. W. HOLMS said, that Sub-section 8 would allow Societies to be registered which consisted "wholly or partly" of members under 16 years. He proposed to leave out "or partly," because great inconvenience would arise from Societies composed of adults and young persons being registered.

THE CHANCELLOR OF THE EXCHEQUER said, the object was to allow Societies consisting partly of parents and partly of young persons to be admitted to registration; but the Registrar was to have the power of making proper regulations.

MR. W. E. FORSTER said, the Committee ought to know what those regulations were, because otherwise the Societies might be placed in a position with which the Committee were unacquainted.

THE CHANCELLOR OF THE EXCHEQUER said, he thought there was some force in the objection, and he would propose a clause to meet it.

*Amendment agreed to.*

*Clause, as amended, agreed to.*

Clause 16 (Property and funds of societies).

MR. MACDONALD said, the clause did not meet the case of Societies managed by delegates, and he proposed to make the matter clear by moving, in page 15, line 17, after "meeting," to insert "or where the society is managed by delegates, a majority of the delegates present at a delegate meeting."

THE CHANCELLOR OF THE EXCHEQUER said, he did not think the words necessary, but he had no objection to their introduction.

*Amendment agreed to.*

COLONEL BERESFORD moved, in page 15, line 28, after "being," to insert "the purchase of or loan upon shares in any joint-stock company."

THE CHANCELLOR OF THE EXCHEQUER said, he thought it very undesirable that trustees should invest in joint-stock companies; but if the Government restricted investments they would, to a certain extent, make themselves responsible for the investments. He believed that in Lancashire some Societies had invested in property of that character.

*Amendment, by leave, withdrawn.*

*Clause, as amended, agreed to.*

Clauses 17 to 19 inclusive, *agreed to.*

Clause 20 (Officers in receipt or charge of money).

MR. MACDONALD moved, in page 21, line 2, after "society," to insert "or the committee of management," in order to make the meaning of the clause more clear.

THE CHANCELLOR OF THE EXCHEQUER said, he was willing to accept the Amendment.

*Amendment agreed to.*

*Clause, as amended, agreed to.*

Clause 21 (Legal proceedings).

MR. ANDERSON moved, in page 21, line 33, to leave out "or, if such office or place of business be closed, by posting such copy on the outer door of the same." He said, as the clause was drawn a summons might be issued and even held to be sufficiently served if it was posted outside the office. But, by keeping those words in the clause, the officer might go and post up a notice on the door when the office was closed, and then send some one to take it down, and in that way judgment might go by default. Cases of this description had occurred in Scotland.

THE CHANCELLOR OF THE EXCHEQUER said, the proposal contained in the clause was recommended by Mr. Littledale, the Assistant Registrar in Ireland, who had had great experience. It was represented that it was desirable that care should be taken that the summons was served. He was willing to modify the clause by inserting that the summons should be left at the registered office, if the hon. Gentleman would withdraw his Amendment.

MR. ANDERSON said, that would not meet his objection.

MR. GOLDNEY suggested that the summons should be posted in the Post Office.

MR. MELDON said, he thought that would meet the case, if the summons were also sent by registered letter.

THE CHANCELLOR OF THE EXCHEQUER said, he was willing to add to the clause that the summons should be posted by registered letter.

*Amendment, by leave, withdrawn.*

THE CHANCELLOR OF THE EXCHEQUER proposed to amend the clause, by providing that the summons should



be sent by registered letter to the registered office of the Society.

*Amendment agreed to.*

MR. MACDONALD moved, in page 21, line 35, to add—

“But in all cases where said summons, writ process, or other proceeding shall not be served at the registered office of the Society, a copy thereof shall be transmitted by post addressed to the committee of management at the registered office of the Society, and the same shall be enclosed in a registered letter delivered at said office at least four days before the calling of such summons, with process or other proceeding in Court.”

THE CHANCELLOR OF THE EXCHEQUER accepted the principle of the Amendment, but suggested that the words should be drawn up by his hon. and learned Friend the Attorney General.

*Amendment agreed to.*

Clause, as amended, *agreed to.*

Clause 22 (Disputes).

MR. O'SHAUGHNESSY moved, in page 22, line 6, to leave out “otherwise direct,” and insert “expressly forbid it.”

*Amendment agreed to.*

MR. MELDON moved an Amendment to extend the register to Ireland and Scotland.

*Amendment agreed to.*

MR. O'SHAUGHNESSY moved, in page 22, line 26, after “summary jurisdiction,” to insert—

“Provided that in every case of dispute cognizable under the rules of a society in a court of summary jurisdiction, it shall be lawful for the parties thereto to enter into a consent referring such dispute to the County Court, which may hear and determine the matter in dispute.”

There were many disputes in Societies in which the questions in issue were questions of fact, but involving points of law, and he considered that the County Court would be the best tribunal to decide them.

THE CHANCELLOR OF THE EXCHEQUER said, the clause seemed to him to be perfectly intelligible as it stood. He had no objection, however, to accept the Amendment.

*Amendment agreed to.*

Clause, as amended, *agreed to.*

Clause 23 (Special powers of registrars to be exercised on application from members).

*The Chancellor of the Exchequer*

MR. W. HOLMS moved, in page 23, line 7, to leave out “three-eighths,” and insert “one-fifth.”

THE CHANCELLOR OF THE EXCHEQUER said, that as in all these cases the consent of the Treasury must be obtained, the Amendment of the hon. Member would have but little practical effect.

*Amendment, by leave, withdrawn.*

MR. W. HOLMS moved, in page 23, line 11, to leave out, “more than ten thousand members,” and insert—

“Ten thousand members and not exceeding fifty thousand, or of one thousand members in the case of a society of fifty thousand members and not exceeding one hundred thousand, or of two thousand members in the case of a society exceeding one hundred thousand members.”

*Amendment negatived.*

MR. MELDON moved, page in 23, line 12, to leave out the words “by his direction,” as he thought that the Assistant Registrar for Ireland or Scotland should be allowed to act without being obliged to apply to the Chief Registrar for authority. He did not see why the Chief Registrar should be interposed.

*Amendment proposed, in page 23, line 12, to leave out the words “by his direction.”—(Mr. Meldon.)*

MR. ASSHETON CROSS said, that the Chancellor of the Exchequer thought it necessary to retain the authority of the Chief Registrar as proposed in the clause.

Question put, “That the words proposed to be left out stand part of the Clause.”

The Committee *divided*:—Ayes 157; Noes 73: Majority 84.

Clause 24

SIR WALTER BARTTELOT (for Mr. FLOYER) moved, in page 24, line 34, after Sub-section 3, to insert the following sub-section:—

“4. A society may by special resolution detach and sever absolutely from itself any distinct section of its members, whether called a lodge, branch, or otherwise, after due notice of not less than one year: Provided, That such portion of the capital stock as would be due to such section, if the society were dissolved at that time, be paid to it from the funds of such society.”

THE CHANCELLOR OF THE EXCHEQUER said, he could not accept the Amendment. It was going further than

he thought they ought to go in the way of legislation for these Societies.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 25 (Dissolution of societies).

MR. DIXON (for Mr. STANSFELD) moved, in page 28, line 40, after "appropriated," to insert—

"That the Chief Registrar may suspend his award for such period as he may deem necessary to enable the society to make such alterations and adjustment of contributions and benefits as will in his judgment provide sufficient and equitable remedy in the premises, and prevent the necessity of such award of dissolution being made."

THE CHANCELLOR OF THE EXCHEQUER accepted the Amendment. It was desirable to avert the extreme measure of a dissolution, and it might be prevented by a re-adjustment. There were two ways of getting out of a financial difficulty, by reducing the benefits or increasing the contributions, and the Amendment would throw the onus upon the Society of extricating itself from the difficulty.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 26 (Militiamen and Volunteers not to lose benefits).

MR. DIXON proposed, as an Amendment, to leave out so much of the clause as enabled certain societies certified before the 23rd of July, 1855, to levy an additional contribution on members serving out of the country, or to suspend their claims of the society whilst serving abroad, provided that on their return they should forthwith be replaced on the same footing as they were on before going abroad. If the Society could not be relieved from the risk and danger to life from a Militiaman becoming a soldier of the Line—which risk they did not wish to incur—it would be better to omit the clause altogether.

THE CHANCELLOR OF THE EXCHEQUER said, that the section simply repeated the existing law, which it would not be wise to alter.

Amendment *negatived*.

Clause *agreed to*.

Clause 27 (Limitations of benefits).

SIR HARCOURT JOHNSTONE did not see why the limit should not be extended.

THE CHANCELLOR OF THE EXCHEQUER explained that the reason was that members of these Societies were exempt from stamp duties and other charges, so that they received benefits at the expense of the Revenue. There had always been the limit which was in the Bill.

Clause *agreed to*.

MR. COWEN moved that the Chairman report Progress, the clause being a most important one, relating to death and burial insurance.

THE CHANCELLOR OF THE EXCHEQUER objected. He said the clause was one which, no doubt, would elicit discussion; and as it was desirable, if possible, to get through the Bill, he hoped the hon. Member would withdraw his Motion.

Motion, by leave, *withdrawn*.

Clause 28 (Payments on death of children).

MR. CALLENDER said, that the clause provided that no Society should pay more than £3 upon the death of a child under three years, and he proposed to insert "five" instead of "three." The clause provided a hard-and-fast line which would inflict much hardship on large towns, and he trusted that the right hon. Gentleman would consent to substitute the word "five" for "three."

Amendment proposed, in page 30, line 24, to leave out "three," and insert "five."—(*Mr. Callender*.)

THE CHANCELLOR OF THE EXCHEQUER observed, that the clause had given him considerable anxiety, and the Government had had to contend with circumstances of peculiar difficulty. They desired to avoid casting a stigma on the working classes which was not deserved; and, on the other hand, they had no desire to neglect doing their duty to the Societies. It was never their intention to favour the odious charge that parents of any class were guilty of the crime of infanticide. But they did think that there was some evidence to show that in the case of children insured in Burial Societies there was more neglect and less care than in any other Societies. They did not consider that as applicable to the great masses of the working classes; but there were a certain number of persons of low and degraded cha-

racter who were not insensible to the temptations thrown in their way. He referred especially to the case of illegitimate children, and there was evidence to show that some Societies declined to insure illegitimate children at all. There were cases in which a child had been doubly insured by the parent and by another person who had contributed nothing towards its funeral expenses. Many of the clubs were conducted on principles which nobody could approve of. Under these circumstances, it was necessary to take steps to introduce more order and regularity into the proceedings, and to prevent abuse in the granting of certificates. The first question was the amount to be insured. It must be remembered that to allow the working classes to insure their children at all was a privilege granted to Friendly Societies, and that according to the general law no other person could insure the life of a child or any other person who had not an insurable interest. Their object should be to fix the sum at such a figure as would not give parents a profit on the death of their children; but he found it was difficult to arrange with those interested in the matter what the amount should be. He had entered into a careful investigation of the subject himself, and he was bound to say that the further he went into the matter the more difficult it was to arrive at a satisfactory sum. In some parts of the country 30s. would be sufficient; but in other parts the funeral expenses were much higher. Under these circumstances, and after consulting his Colleagues, he had come to the conclusion that it would be the best, the most reasonable, and the most satisfactory course, to accept the Amendment of his hon. Friend the Member for Manchester.

MR. DODSON hoped that the Committee would not be too precipitate in disposing of this point. The Chancellor of the Exchequer himself did not know his own mind on the subject. The House had previously had three different propositions from him within a short space of time. He now quite suddenly asked them to adopt a fourth. The Committee ought to report Progress, and have leisure to consider it. This was a matter of such difficulty and delicacy that no time should be grudged in its discussion.

*The Chancellor of the Exchequer*

MR. HOPWOOD said, he had an Amendment on the Paper which dealt with this matter, and was of great importance. He could not hope to get it fully discussed that evening, and therefore he thought he was justified in moving that the Chairman report Progress.

MR. HENLEY said, he was very glad that the Government had, by what the Chancellor of the Exchequer had said, removed the odious imputation under which Lancashire had so long laboured.

THE CHANCELLOR OF THE EXCHEQUER agreed to the Motion to report Progress, but intimated that he would resume the Committee at 2 o'clock to-morrow. In the event of the Bill being disposed of at the Morning Sitting, the Land Titles and Transfer Bill would be proceeded with.

*Motion agreed to.*

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

#### HOUSE OCCUPIERS DISQUALIFICATION REMOVAL BILL—[Bill 164.]

(*Sir H. Drummond Wolff, Sir Charles Legard, Sir Charles Russell, Mr. Callender, Mr. Ryder.*)

##### COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Debate arising.

Debate *adjourned* till *To-morrow*, at Two of the clock.

#### MAYNOOTH COLLEGE BILL.

On Motion of The O'CONOR DON, Bill to amend the Acts relating to the College of Maynooth, *ordered* to be brought in by The O'CONOR DON, Mr. KAVANAGH, Mr. LAW, and Captain NOLAN.

Bill *presented*, and read the first time. [Bill 194.]

#### CRIMINAL LAW AMENDMENT BILL.

On Motion of Mr. COLE, Bill to amend an Act of the eleventh and twelfth years of Her Majesty, chapter seventy-eight, to provide a further Appeal in Criminal Cases, and for the further amendment of the administration of the Criminal Law, *ordered* to be brought in by Mr. COLE, Mr. MORGAN LLOYD, and Mr. WADDY.

Bill *presented*, and read the first time. [Bill 195.]

House adjourned at half after One o'clock.

## HOUSE OF LORDS,

*Friday, 4th June, 1875.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Local Government Board's Provisional Orders Confirmation (Aberdare, &c.) \* (123), and referred to the Examiners; General Police and Improvement (Scotland) Provisional Order Confirmation \* (130), and referred to the Examiners.

*Second Reading*—Parliament of Canada \* (96); Justices (Dublin) \* (118).

*Committee*—Bankruptcy (Scotland) Law Amendment \* (62-133).

*Report*—Church Patronage (122-131); Chimney Sweepers \* (71); Falsification of Accounts \* (125).

ELEMENTARY EDUCATION ACT, 1871—  
COMPULSORY EDUCATION—CASE OF  
ELIZABETH MARKS.

## QUESTION. OBSERVATIONS.

EARL DE LA WARR rose to ask, If the attention of Her Majesty's Government has been called to the case of Elizabeth Marks, as appeared in the police report at Guildhall of Saturday the 1st of May, with special reference to the power of School Boards to enforce the attendance of children at school? The noble Earl said, he regarded the case as one of some importance, not only as one of apparent hardship to the person referred to, on whom the operation of the Education Acts fell with some severity, but also as an illustration of the present working of the law relative to compulsory education. The particulars of the case in question had appeared in the public Press, and had been the subject of comment. The point to which he wished first to draw attention was this—the operation of the law in cases of persons in the receipt of parish relief. He did not desire to make any complaint against the officers who administered the law in this particular instance, or in any other similar ones which had taken place as he believed they acted in the manner which they considered to be in accordance with the intentions of the law; but he did wish to know from Her Majesty's Government whether, in future, cases of this kind were to be dealt with in the same manner, and whether there was not some discretionary power in the Educational Departments of the Government of modifying the action of the law where exceptions ought clearly to be made. So far as he could learn, neither

the Local Government Board nor the Education Department of the Privy Council had authorized any deviation from what was usually considered to be the meaning of the Act; and it might be, he admitted, doubtful whether they had the power of doing so. In a Circular of the Local Government Board, dated the 30th of December, 1873, the following occurs:—

“The statute prevents the Guardians from granting any continuous out-door relief when the child is not placed at a school where such education (*i.e.*, elementary education) can be obtained and is not within one of the exceptions; those exceptions being:—1. That the child is under efficient instruction in some other manner; 2. That the child has been prevented from attending school by sickness or any unavoidable cause; 3. That there is no other public elementary school which the child can attend.”

It was clear that these exceptions would not apply to the case in question. This Circular was confirmed by another dated the 30th of March, 1874. A Minute of the Committee of Council on Education, dated the 18th of March, 1874, was also to the same effect. It seemed that the interpretation of the law by Her Majesty's Government was, that no out-door relief under any circumstances could be given to any person unless the children between the ages of 5 and 13 were attending school; and it was further to be observed that the Guardians in such cases had the power only of giving such additional relief as might be required for paying the school fees. The words of the Circular to which he had referred were—

“It shall be a condition for the continuance of such relief that elementary education in reading, writing, and arithmetic shall be provided for such child, and the Guardians shall give such further relief, if any, as may be necessary for such purpose.”

He could not but think that the operation of this law as thus interpreted and acted upon fell very heavily upon a class, whose adverse circumstances rendered them little able to cope with difficulties. The circumstances of the case of Elizabeth Marks were so well known, and had been so much the subject of comment by the public Press, that it was not necessary he should go into it; he might, however, refer to one other instance in illustration of what he had stated. In *The Times* of the 7th of May last a case was noticed of a poor woman wishing to keep her child of 11 years of age at



home during her confinement. It was referred to the Local Government Board. The reply was—

“The sickness of the parent did not appear to them to be a reasonable excuse within the meaning of the Act for the non-attendance of the child at school.”

Surely it could not have been intended that the Act should operate in that way? Could the greatest enthusiast on the subject of education wish that the child of a sick parent should be forced from her during her illness lest the child should lose some little advantage in learning reading, or writing, or arithmetic? And he would urge that there was a social and domestic education which was not to be lost sight of, and there were duties of children to their parents, the practice of which formed an important element of education. He ventured to think there was more real education in a child staying at home sometimes to assist its parents or in earning something for them than in going to school to learn reading, writing, and arithmetic, or it might be to answer the questions of a School Inspector in geography. He had said this much with reference to the compulsory education of children whose parents were in the receipt of parish relief; but the compulsory Education Acts not only applied to that class, but had a general bearing upon those also who were independent and earning their own living. It might, perhaps, not be out of place to refer for a moment to the history of the introduction of the principle of compulsory education into legislation. It was true the principle of compulsory education was to some extent recognized by the Hours of Labour Act and by the Factory Acts; but he believed he was right in saying that, previous to the year 1870, no general law existed by which education was made compulsory. In the year 1870 a Bill was introduced into the House of Commons by Mr. Forster, then Vice President of the Committee of Council on Education, giving compulsory powers to school boards. It passed through the House of Commons after lengthy debates, and more rapidly through their Lordships' House at the end of the Session. Let him ask their Lordships' attention for a few moments to some of the provisions of this Act. A school board elected by the ratepayers has the power of making by-laws which,

after receiving the sanction of the Education Department, renders it compulsory upon the parents of children between the ages of 5 and 13 to cause them to attend school unless there was some reasonable excuse on account of sickness or other unavoidable cause. It could readily be seen that such a power as that might press heavily upon the labouring class who were earning their living with independence, but often, in the case of a large family, not without the assistance of their children. It was true that some hours of labour were allowed in the week—in some cases determined by age; but it might not unfrequently happen that the employer could not make use of labour in that restricted form, and in the case of a large family the loss of the earnings of the elder children might bring a family almost to absolute poverty. But not content with the power conferred by the Act of 1870, the promoters of compulsory education carried their scheme yet further, by passing, in 1873, the Agricultural Children Act, restricting in an especial manner the work of agricultural children and subjecting the employers to penalties if children under 8 years were employed in any agricultural work, and requiring a certain number of school attendances after that age. He believed, however, that Act had been in a great measure inoperative, and that it would become more so from the great inconvenience, and almost impossibility, of enforcing it; but the objectionable principle remained, and cases might occur where it would be enforced. It might be that a wise discretion had in many instances been exercised; but he could not but view with some alarm the introduction of the principle of rigid compulsory education into legislation, directed against a class who had nothing but their labour to depend upon for a subsistence. It seemed to be inconsistent with the independence which they desired to see among the poorer as well as the richer class, and that the State had assumed to itself a more paternal authority than it had a right to claim and was more or less putting itself into the place of a parent. It might be the duty of the State to provide the means of education and to see that that education was good, and where it was so he believed education would always be made use of; if there was a good school, the school would be full.

*Earl De La Warr*

There might be exceptions, and it was always difficult to legislate for exceptions; but when the State stepped in and prevented a child from exercising the natural duty of assisting its parents even in sickness, it seemed to him to partake more of the spirit of the severe laws of the Spartan Constitution, where the citizen existed only for the State, than of the free institutions of this country. He trusted Her Majesty's Government would be able to say that some discretionary powers would be exercised in enforcing the Acts relative to compulsory education.

LORD STANLEY OF ALDERLEY said, the noble Earl (Earl De La Warr) had rendered a service by calling the attention of the House to the conduct of the London School Board, and the attention of the House to these matters would be most beneficial as a check upon school boards, as a guide to the magistrates who had to decide these cases, and as a support to the Education Office, which required support in its efforts to supervise the school boards. The Education Office required support, for the tone and tendency of school boards, as was shown by the Birmingham League monthly paper and *The School Board Chronicle*, was one of rebellion against the Education Office, and to set themselves up as independent and rival powers, or as equal in authority to the Education Office. The case of Elizabeth Marks was not an isolated one—there were many others that did not get into the newspapers. He would give their Lordships an instance that had come within his knowledge. A labourer receiving 20s. a-week, with a wife and eight children, was summoned by the school board because his wife, who was near her confinement, had asked for a week's leave for her boy of 11 years old to attend on her and her infant children; and as she kept him at home for an additional week the father was summoned to the Hammersmith Police Court, and fined 7s. 6d., and he had to lose a second days work a fortnight later by having to report to the magistrate that his child had attended school regularly during that interval. There was in the correspondence published by the League paper of February, 1875, a complaint of an advertisement requiring a board schoolmaster to play the organ for £25, to be paid from a separate fund. The Education

Office declined to object. Evidently this £25 from separate funds would relieve the ratepayers of that much salary. The Education Office should check this extravagance, for the Wolverhampton school board were paying their master and mistress at the rate, for 200 children average attendance, of £264 and £196 respectively, while according to the scale of the London School Board their salaries would be £226 and £152.

THE DUKE OF RICHMOND thanked the noble Lord who had just spoken (Lord Stanley of Alderley) for his anxiety that the Education Office should receive additional support; but he could assure the noble Lord that the Committee of Council on Education believed itself to be perfectly competent to manage the affairs entrusted to it without any assistance from without. He must confess that the noble Lord had the advantage of him in one respect, for the Birmingham League monthly paper or *The School Board Chronicle* were journals he never had the felicity to see. He hoped the noble Earl who had brought forward the question (Earl De La Warr) would not expect him to follow him in going back to the legislation of 1870 and 1873 in respect of Elementary Education. His noble Friend asked, in the first place, whether the attention of Her Majesty's Government had been directed to the case of Elizabeth Marks—but, at the same time, his noble Friend seemed to assume that it had been. Such was the fact; and in the other House of Parliament his noble Friend the Vice President of the Council had given an answer to which he (the Duke of Richmond) had nothing to add, when an inquiry as to the case was made in that House. That answer was, that so far as had come to the knowledge of the Department—and he believed all the facts had reached the Office—Mrs. Marks had not been treated in a harsh manner; that, on the contrary, the visiting officer of the London School Board seemed to have acted towards her in the most considerate manner; and the case, as presented to the Government, did not appear to call for any interference on the part of the Education Department. His noble Friend said he had no complaint to make in the case of Mrs. Marks, but he wanted to know whether in future other cases would be treated in a similar manner. In reply to that inquiry, he

could only say that each case must be decided on its own merits. It was impossible, therefore, to give a general undertaking in reference to such a matter. Each case might, perhaps, differ from the preceding one; and consequently, before the particular case came to be considered, and the bearing of the law upon it interpreted, it would be impossible to say what ought to be done in respect of it. This, however, he could say—that all cases in which grievances, or alleged grievances, were brought before the Department would be considered with that degree of attention which such cases ought to receive.

#### SANITARY OFFICERS (IRELAND).

##### OBSERVATIONS. MOTION FOR A RETURN.

VISCOUNT LIFFORD rose to call the attention of the House to the appointment of the salaries of certain sanitary officers in Ireland by sealed orders of the Local Government Board (Ireland,) and to move for a Return of the names of Boards of Guardians of the Poor in Ireland who have objected to such appointments. It seemed to him that under existing Acts of Parliament the powers given to the Local Government Board in Ireland were almost despotic, and those powers were occasionally exercised in a very arbitrary manner as against Boards of Guardians. No doubt some of the Boards of Guardians in Ireland proposed to fix the salaries of the newly appointed sanitary officers, in the first instance, at a very small sum. This they did because the duties were certainly very light, and because the Boards wished, before committing themselves to larger salaries, to have practical experience of the duties which those officers would have to perform. The Local Government Board, which could not have the same knowledge of the state of facts as was possessed by Guardians living in the particular locality, had interfered by sealed orders to compel the Unions to pay the salaries which it thought ought to be paid. A Board of Guardians of which he was a member had been slighted and insulted in that way.

*Moved* that there be laid before this House, Return of the names of Boards of Guardians of the Poor in Ireland who have objected to the appointment of sanitary officers in Ireland by sealed orders of the Local Government Board.—  
(*The Viscount Lifford.*)

*The Duke of Richmond*

LORD LURGAN said, that before the question was disposed of he would like to say one or two words. He need not assure the noble Viscount (Viscount Lifford) that if it were in his power to give his Motion any assistance he would gladly do so; and therefore he trusted that he would bear with him when he said that having listened as attentively as he could to what the noble Viscount called his grievance, he considered that it was not proved. He would speak of the Boards of Guardians with which he was connected. The Sanitary Act came into operation last October, and the Boards of Guardians were required to carry it into effect. There was an indisposition on the part of his Board to pay the officers employed what was considered to be a sufficient remuneration. The Board fixed a low scale and the Local Government Board in Dublin fixed a high scale, and they came to an arrangement which must be felt to be most satisfactory. Since October, 300 notices had been served and the far greater part had been satisfactorily arranged without any legal proceeding; and therefore he thought it was unwise and unfair to blame the Local Government Board in Dublin for being arbitrary and unjust. He would not detain their Lordships further, but he thought he should not be doing his duty if he had not stated this much. The Local Government Board exercised a certain control over the Boards of Guardians, and in Ireland all Boards required that there should be a certain amount of authority over them.

THE EARL OF DARTREY said, that this matter had caused much irritation in Ireland, and great dissatisfaction and discontent prevailed amongst the Boards of Guardians—therefore, he felt much obliged to his noble Friend (Viscount Lifford) for bringing the subject before their Lordships.

THE DUKE OF RICHMOND said, he thought the noble Earl (the Earl of Dartrey) could hardly be acquainted with the operation of the Act all over Ireland; and as to the remarks of the noble Lord (Lord Lurgan), who desired some check to be placed over the Boards in Ireland, those remarks might be applied to England as well as to Ireland. As to the noble Viscount's speech, he (the Duke of Richmond) must enter his solemn protest against the statement that the Local Government Board in

Dublin had slighted and insulted the Boards of Guardians in Ireland. That statement was not borne out by the evidence in the case, and he contended that neither slight nor insult had been passed upon the Board of Guardians of which the noble Viscount was chairman; and further, he would state that neither had been passed upon the Boards of Guardians of that country. The noble Viscount, feeling that he had not a strong case, had almost given it up before he concluded his observations. It appeared that there were in Ireland 205 urban and rural sanitary authorities, and out of that number it had only been found necessary to put the compulsory powers into operation in 32 cases. As regarded the Board of Guardians referred to, the Local Government Board had remonstrated with them upon two occasions, and had told them that if they did not revise the scale of salaries it would become necessary to issue a sealed order; and therefore, upon the facts, he considered that the noble Viscount was not correct in the view which he had taken of the case. He did not think, as the Government proposed to give the noble Viscount the Return which he asked for, he would be justified in saying more at present.

VISCOUNT LIFFORD, in reply, was understood to contend that upon the evidence before the House the Board of Guardians over which he presided had been slighted and insulted by the Local Government Board in Dublin.

*Motion agreed to.*

#### CHURCH PATRONAGE BILL.

*(The Lord Bishop of Peterborough.)*

(NOS. 122-131). REPORT OF AMENDMENTS.

Amendments reported (according to Order).

LORD HOUGHTON said, he thought it was very doubtful, from the debate which took place the other evening, whether this Bill would, if passed, be advantageous to, or in the interest of, the Church. The right rev. Prelate (the Bishop of Peterborough) had told their Lordships that this Bill had not been brought forward in any spirit of opposition to the laity or lay patronage in the Church of England; but he (Lord Houghton) feared, looking at the memorable division which took place on

Tuesday evening, that this Bill would, if further pressed upon the House, cause a wider breach than now existed between the clergy and the laity. Certainly, he did not think that the spectacle of the two most rev. Prelates, with almost all the Episcopal Bench, and one or two lay Lords voting in favour of a particular clause, and the lay Lords voting against it and rejecting it, would be considered beneficial to the Church. He believed that it was the opinion that this Bill was not called for in the interests of the Church, and it would have a tendency to depreciate the value of property; while it proceeded on the hypothesis that the laity who were patrons of the Church, and others who were interested in its affairs, were likely to abuse their power. At the present moment the protection of the Church from any improper person being introduced into it was perfectly adequate to the prevention of abuse, and it was extremely rare that anything like a scandal had ever taken place under the present system of patronage. There was one point on which the right rev. Prelate who had charge of the Bill (the Bishop of Peterborough) had shown not only that delightful humour of which he was such a master, but an amount of good sense which he (Lord Houghton) was sure must have had its effect on every Member of that House, whatever his opinions might be—and that was with reference to the question of donatives. The argument of the right rev. Prelate showed distinctly that that very peculiar mode of appointing incumbents required amendment. He (Lord Houghton) was sure that if this Bill were withdrawn, and a short Bill introduced for the purpose of altering this mode of nominating presentees to donatives without episcopal jurisdiction, such a measure would meet with no opposition in either House of Parliament. Another point had reference to the abolition of what were called “resignation bonds,” as to which his (Lord Houghton’s) feeling went on social grounds rather than that they were an injury to property. He thought that, looking at the matter from a social point of view, the abolition of these bonds would have a tendency to increase the severance that was daily taking place in the Church between the clergy and the laity—a result which he was sure would be injurious to both. But the matter was



also arguable upon grounds connected with the question of property, and he had in his hand a letter he had received from a clergyman, in which the writer said if the Bill passed some compensation ought to be given to those who would be deprived of their property. "As it is," said the clergyman, "it will take from me as patron of my living the right to reserve the appointment for either of my three sons, and I estimate the loss at at least £1,000." This was not, he believed, at all a singular case, but one of a large number that might be adduced. Under these circumstances, he begged to ask the right rev. Prelate whether he did not think it was desirable to postpone any further proceedings on this Bill, the success of which in the other House he very much doubted, even should it pass their Lordships' House, and he had no doubt that the discussions in the other House would provoke a very strong and injurious Party feeling that would not be at all favourable to the Church.

THE BISHOP OF PETERBOROUGH could not assent to the singular and unprecedented request of the noble Lord, that he should withdraw the Bill at its present stage. Their Lordships would doubtless remember the history of this measure. He, in the first place, moved their Lordships for the appointment of a Committee to inquire whether there were any grounds for bringing in such a measure; and in the result a large and an influential Committee of Members of their Lordships' House was appointed, on which certainly the interests of property, of patrons, and of the laity were not inadequately represented. The unanimous Report of that Committee was to the effect that the law upon the subject was in urgent need of revision. The Report was founded largely upon the evidence of laymen, intelligent solicitors, and men of business who were totally unconnected with the Church. Having introduced this measure, their Lordships had sanctioned its principle by reading it a second time; and they had then referred it to a Select Committee, which consisted mainly of lay Peers, including some eminent legal authorities, such as the noble and learned Lord upon the Woolsack, and of only three Bishops. The measure which was now before them was the result of the labours of that Committee. That was the Committee, so constituted, which

*Lord Houghton*

the noble Lord supposed had acted regardless of the feelings of the laity, and had supported a Bill which would be injurious to the rights of property and to the Church. When their Lordships were about to go into Committee upon the Bill the noble Lord delivered a speech against the measure; but, nevertheless, the Bill passed through Committee; and now when the Bill had passed through all these stages the noble Lord suggested that he should withdraw the measure altogether. After the principle of the Bill had received the approval of so many Members of their Lordships' House, it was impossible that he could comply with the noble Lord's request. He confessed that he foresaw none of the evils which the noble Lord prophesied would flow from this measure, and he believed the Establishment of the Church of England would survive many measures of reform as mild and necessary as this, while he was afraid it would not survive many such speeches as that of the noble Lord.

Further Amendments made: Bill to be read 3<sup>a</sup> on *Monday* next, and to be *printed* as amended. (No. 131.)

#### LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION (ABERDARE, &c.)

BILL [H.L.]

A Bill to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Aberdare, the City and Borough of Bath, the Districts of Bedlingtonshire, the Buntingford Union, the Cockermouth Union, and Cowpen, the Borough of Denbigh, the District of Hucknall Torkard, of the Port Sanitary Authority of Liverpool, and the Districts of Newtown and Llanllwchaiarn, Penarth, Teignmouth, West Ham, Windhill (two), and Worthing—Was *presented* by The LORD PRESIDENT; read 1<sup>a</sup>; and *referred* to the Examiners. (No. 123.)

#### GENERAL POLICE AND IMPROVEMENT (SCOTLAND) PROVISIONAL ORDER CONFIRMATION

BILL [H.L.]

A Bill for confirming a Provisional Order made under the General Police and Improvement (Scotland) Act, 1862, relating to the Burgh of Paisley in the County of Renfrew—Was *presented* by The LORD STEWARD; read 1<sup>a</sup>; and *referred* to the Examiners. (No. 130.)

House adjourned at a quarter before  
Seven o'clock, to Monday  
next, Eleven o'clock.

## HOUSE OF COMMONS,

*Friday, 4th June, 1875.*

MINUTES.]—PUBLIC BILLS—*Second Reading*—  
Increase of the Episcopate \* [110].

Committee—Land Titles and Transfer [105],  
*debate adjourned.*

Committee—*Report*—Friendly Societies (*re-comm.*)  
[169-196]; Local Authorities Loans \* [123-  
197].

*Third Reading*—Metropolitan Police (Surgeon,  
Clerk, &c. Superannuation) \* [172]; Pier and  
Harbour Orders Confirmation (No. 2) \* [113],  
and *passed.*

*Withdrawn*—Linen, Hempen, and other Manu-  
factures (Ireland) \* [190].

The House met at Two of the clock.

CRIMINAL LAW—TREATMENT OF CON-  
VICTS—PORTLAND PRISON.

## QUESTION.

MR. O'CONNOR POWER asked the Secretary of State for the Home Department, If his attention has been called to the verdict of the jury at an inquest recently held on the death of a convict, which was that "the deceased died from consumption accelerated by the unkind treatment of the assistant surgeon," and to the declaration of the jury as published in the "Southern Times" of May 8th, and the "Irishman" of May 29th—

"The jury have given the case a long and at the same time the fullest investigation, and regret that the evidence is not explicit or clear as to what was done with the deceased between the 31st of March and the 2nd of April. The jury also consider that the deceased did not receive the treatment he was entitled to from the assistant medical officer, the deceased being a convict, and therefore not a free agent, and that his death was thereby accelerated. The jury are unanimously of opinion that the Home Secretary should cause an official inquiry to be made at once into the circumstances of this case, and also the general treatment of invalid convicts in the Portland establishment by the assistant surgeon, and that he be suspended from the service;"

and, if so, whether inquiry has been made "into the circumstances of this case, and also the general treatment of invalid convicts in the Portland establishment by the assistant surgeon," and whether he has been "suspended from the service," in accordance with the recommendation of the jury?

MR. ASSHETON CROSS, in reply, said, that his attention had been called to that unfortunate case, and in conse-

quence of the verdict of the jury he had on the 12th of May ordered that a special inquiry should be made into the facts. An inquiry was accordingly conducted by Captain Stopford, Dr. Guy, and Dr. Briscoe, the Inspector of Prisons; but their Report had been presented to him at the Home Office only that morning. Until he had time to look carefully into the Report, he could not state what action should be taken upon it; but the matter would have his serious consideration.

STAMP DUTIES (IRELAND)—NOTICES  
TO QUIT.—QUESTION.

MR. BUTT asked Mr. Chancellor of the Exchequer, Whether he has any objection to make arrangements that the stamp required by law on notices to quit in Ireland shall be impressed from a distinctive die, so as to supply materials for accurate statistical information as to the number of notices to quit?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, there would be no objection to make arrangements for that purpose, but they would take some little time, as the engraver's hands were very full at present, and it would also be requisite to make some arrangements with regard to account books.

MINES INSPECTORS' REPORTS FOR 1874.  
QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, When the Mines Inspectors' Reports for 1874 will be laid upon the Table of the House and circulated among the Members; what is the cause of their delay in being printed; and, when the Special Report of the Bunker's Hill Colliery Explosions will be laid upon the Table of the House?

MR. ASSHETON CROSS, in reply, said, those Reports were all in the hands of the printers on the 31st of March. He was sorry that there should be any delay in the printing department, which was not under his control; but he was informed that the Reports would be circulated among hon. Members in a very few days. The special Report on the Bunker's Hill Colliery Explosion would, he hoped, be in the hands of Members in a week.

**FISHERIES—DESTRUCTION OF SEA FISH BY TORPEDOES.—QUESTION.**

MR. TREMAYNE asked the President of the Board of Trade, Whether his attention has been called to a practice recently introduced of using torpedoes and other explosive engines for the destruction of sea fish; and, whether he will take steps for the prohibition of so wasteful and injurious a practice?

SIR CHARLES ADDERLEY, in reply, said, that he had no information as to the practice referred to, and, even if he had, he was afraid that, whatever might be its merits, the Board of Trade would have no power to interfere. At the same time, if the hon. Member would confer with him as to the particular case he had in view he should be happy to consider it.

**ARMY—COURT MARTIAL AT ST. HELENA—CASE OF GUNNER JURES. QUESTION.**

SIR WALTER BARTELOT asked the Judge Advocate General, Whether his attention has been called to the case of Gunner Jures, who was tried and convicted by a district court-martial at St. Helena in August, 1874, and sentenced to be imprisoned for 168 days for making a complaint to the inspecting officer at his annual inspection without first having made his complaint to his commanding officer; whether such sentence was confirmed, and whether such a sentence was legal or illegal, and, if illegal, what steps have been taken in the matter?

MR. STEPHEN CAVE: Yes, Sir, my attention was directed to this case when the proceedings of the court-martial arrived in due course at the Judge Advocate General's Office in September last. The sentence had been confirmed by the officer commanding the troops at St. Helena. I considered it my duty at once to quash the whole proceedings as illegal, on the ground that neither the charge nor the evidence established a military offence. I also thought it right to call the attention of the Field Marshal Commanding-in-Chief to the case. His Royal Highness concurred in the view I had taken, and expressed to the military authorities in St. Helena his extreme displeasure at the course they had pursued, on the ground that every man has

a right to state his complaint to the inspecting officer, and that to punish a man under such circumstances is certain to create an impression in the Army that soldiers have no redress when they feel themselves aggrieved.

**NAVY—H.M.S. "DEVASTATION." QUESTION.**

LORD RANDOLPH CHURCHILL asked the First Lord of the Admiralty, Whether it is true that several cases of sickness have occurred among the crew of Her Majesty's ship "*Devastation*;" whether, if so, sickness is to be attributed to the defective ventilation of the ship; and whether it is the intention of the Admiralty to keep the "*Devastation*" in the Mediterranean during the summer?

MR. HUNT: We, Sir, have no Reports with regard to the sanitary state of the *Devastation* since she arrived in the Mediterranean. The previous Report on that score was very favourable, and during the cruise in which she was employed last summer in the Channel Squadron her sick rate was exceedingly low. If I recollect right, she was the second best in the squadron. The Commander-in-Chief in the Mediterranean wrote a Report on the ships dated the 21st of May, and I will read to the House the extract from it which relates to the *Devastation*. It is as follows:—

"I inspected the '*Devastation*' yesterday, and with reference to the question of ventilation I found that, with everything open and awnings spread, without any artificial ventilation of fan, the ship was fairly cool below and without any disagreeable sensation of oppression even in the cabins. With the fan in motion there was a sensible difference in the air from being once set in motion, and I am of opinion that it was cooler below than in most iron vessels. When at general quarters, with all the doors closed to the several compartments, it was very close, but not worse than when ships are closed in action."

As to the detention of the *Devastation* in the Mediterranean, I am unable to give an answer to that question. She is cruising now under the command of Sir James Drummond, and at the expiration of that cruise we shall have a further Report on the ship.

**POST OFFICE—TELEGRAPHIC COMMUNICATION WITH LIGHTHOUSES.**

**EXPLANATION.**

LORD JOHN MANNERS said, he wished to make a correction in a portion

of an Answer which he gave the other day. In reply to a Question put to him by the hon. Member for West Cornwall (Mr. A. P. Vivian) he had stated that he was informed that the opinion of the Board of Trade, the Trinity House, and Lloyd's Committee was not favourable to the establishment of telegraphic communication between isolated light-houses and the mainland. He had that morning received a letter from Lloyd's Committee to say that he must have been under some misapprehension on that subject, because, as far as their opinion was concerned, it was favourable to the establishment of such communication. He could, therefore, only express regret that, owing to information which he had thought reliable, he had inadvertently made a statement which turned out to be incorrect.

# FRIENDLY SOCIETIES (*re-committed*)

BILL.—[BILL 169.]

(*Mr. Chancellor of the Exchequer, Mr. Secretary Cross, Mr. William Henry Smith.*)

COMMITTEE. [*Progress 3rd June.*]

Clause 28 (Payments on death of children).

Amendment proposed, in page 80, line 24, to leave out the word "three," and insert the word "five," instead thereof.—(*Mr. Callender.*)

Question proposed, "That the word 'three' stand part of the Clause."

MR. HOPWOOD further proposed that under 5 years of age the sum receivable or insurable might be £6, and under 10 years of age £10.

MR. SERJEANT SPINKS expressed a hope that after last night's debate the slanderous statements which had been made with regard to the habits of the working classes would be for once and all abandoned. The remarks which had been made by the Chancellor of the Exchequer had been deeply felt by that portion of his constituency (Oldham). As the case the right hon. Gentleman had quoted was in the Report of Mr. Lyulph Stanley it might be accepted as tolerably correct; but it must be taken as an isolated case, and not be allowed to cast the slightest slur upon his constituents, which for elevation and morality would bear comparison with any in the country. With regard to the concession which had been made at the instance of the hon.

Member for Manchester (Mr. Callender) that was no special boon to the working classes, inasmuch as their right to insure for that amount (£6) was conceded by the Act of 1855. The change by dividing that sum into two parts was rather against, than in favour of, the working classes, and if any change at all had been made it should have been by increasing the sum from £6 to £7 or £8. If the Chancellor of the Exchequer would make a further concession, and instead of allowing two insurances of £3 each in two separate Societies, would allow the whole £6 to be insured in one Society, it would be a real boon. There were many instances in which there were not two Societies to insure in, or in which one was of such a character as to render the working classes unwilling to effect an insurance with it. He urged this strongly upon the right hon. Gentleman, as the working classes resented warmly any interference with their rights and privileges; and it would show to them that under recent legislation they need not have recourse to democratic agitation, as the redress of any grievance could be best obtained through the constitutional medium of their Representatives in Parliament.

MR. MELLOR said, the imputations that had been cast upon the members of the working classes had been felt by them most acutely, and he had, therefore, applied to the coroner of the borough he represented (Ashton-under-Lyne) and the coroner for Oldham, and they had severally informed him that they had never had a single case in which they had been compelled to withhold a certificate, and, so far as their experience went, there was no cause to suspect that the lives of children had been taken away for the purpose of obtaining insurance money from the Burial Societies. He therefore thought the Chancellor of the Exchequer would do well to allow a class who were remarkable for their prudence to insure in one office for the sum of £6, thus saving the double expense.

MR. ROEBUCK could not suppose for one moment that any hon. Member had intended to say that fathers and mothers killed their children to obtain money from the Burial Societies. He would ask the right hon. Gentleman whether he really entertained such a suspicion of the working classes as to refuse them a



privilege which they had enjoyed for years. So far as he could see, the proposal now made could lead to no mischief.

THE CHANCELLOR OF THE EXCHEQUER said, he saw no difference in principle between the Amendment of the hon. Member for Manchester (Mr. Callender) and that which had just been proposed, and therefore, after listening to the discussion which had taken place, he was willing to allow the whole £6 to be insured in one Society. There had been many remarks with reference to the kind of authority to which he had looked for information on this matter. The Report of Mr. Lyulph Stanley gave an account of the existence in Macclesfield of a remarkable Society. He had his information from Mr. George Simmonds, who was Secretary of an amalgamated Association of Burial Societies, formed to watch the action of the Act of 1855, limiting Burial Societies—the Act alluded to by the hon. and learned Member for Oldham (Mr. Serjeant Spinks). There were 10 Societies in this Association. Mr. Simmonds, writing some time after the Act was passed, stated that it had remedied many evils. He said he knew a case in which a child was insured in eight Societies, which would have produced £30 in case of its death. Since the Act the Societies had entered into arrangements between themselves, by which, in such a case, the insurers would only receive the maximum allowed by the Act, which would be paid *pro rata* by all the Societies in which the child was insured. This was interesting as showing how the Societies themselves had found out the proper mode of using that Act. They availed themselves of the clauses relating to returns, and printed inside their books of membership the special provisions of the Act. He (the Chancellor of the Exchequer) had been much struck by the communications he had received from working men, and the spirit in which they had conducted the controversy on a subject, as to which there had been undoubtedly much irritation. The deputations of working men which had waited upon him had discussed the matter in a reasonable, fair, and temperate manner, and had given him great assistance in his inquiry into the cost of burials. The working men all acknowledged that there ought to be no insurance which

would give any profit over and above the actual cost of burial. Circumstances varied so much in different localities that it was difficult to fix an uniform rate: they had, however, fixed upon £6—which, although more than enough for the South of England, was hardly enough in the great towns of Lancashire and in the North of England.

MR. DODSON remarked on the frequent changes of opinion which the Chancellor of the Exchequer had undergone with regard to this point, and congratulated the Committee on the fact that his suggestion for reporting Progress last night had been agreed to, inasmuch as it had given opportunity for a fresh proposition on the right hon. Gentleman's part.

MR. HOPWOOD, for his part, desired to acknowledge the great mastery of the subject which the Chancellor of the Exchequer had displayed.

MR. HERMON believed the concession of £6 would give general satisfaction to the country.

MR. A. BROWN said, he thought the House should pause before it sanctioned the £6 limit. He was of opinion that it would have been better had the concession just intimated by the Chancellor of the Exchequer not been made.

MR. FORSYTH thought the Committee and the country ought to be thankful to the Chancellor of the Exchequer for the concession he had made in reference to this clause. There was no ground whatever for the imputation thrown on the working classes of this country, that because infant mortality had increased it was owing to their lives being insured by the parents. He represented a large constituency, and he warmly resented on their behalf the imputation cast upon them by those who objected to these concessions.

MR. MUNTZ thought the Committee ought not to cast a gratuitous insult upon the working classes, and he therefore hoped the compromise offered by the Chancellor of the Exchequer would be accepted readily. He thought great credit was due to the right hon. Gentleman, as well for the knowledge he had shown of the subject as for the manner in which he had dealt with the Bill, and that both the right hon. Gentleman and the House had shown that they were not actuated by any Party feeling, but only by the desire of doing what was

*Mr. Roebuck*

best for the country. He protested against those who had been striving to get what the Chancellor of the Exchequer had now given them turning round upon him and denouncing him for his concessions.

Dr. C. CAMERON protested against the assumption that the Chancellor of the Exchequer had ever cast any slur upon the working classes. On the contrary, he had been just and considerate towards them. His (Dr. Cameron's) objection to multiple insurance of infant lives was based upon the belief that it would encourage baby-farmers to neglect their charges, and not that it would induce working-class parents to destroy their children for purposes of gain.

Mr. MACDONALD said, he had no sympathy whatever with the carping criticisms by which the Chancellor of the Exchequer's concession had in some quarters been met. On the contrary, he would join in giving his most hearty thanks to him for what he had done in connection with this matter.

Mr. COWEN said, a Society existed in his neighbourhood which granted insurances on the lives of children, and no suspicion had ever been entertained that there had been any wrong-doing in the case of any of the children who died. He took that opportunity of expressing his opinion that the Chancellor of the Exchequer had acted wisely and generously in making the concessions which he had made. In the conduct of this Bill, the Chancellor of the Exchequer had manifested a desire to meet the wishes of those who were interested in this subject. If hon. Members had followed the example of the Chancellor of the Exchequer, a good deal of time would have been saved. Under these circumstances, he should not move the Amendment which he had placed upon the Paper—to leave out the clause.

THE CHANCELLOR OF THE EXCHEQUER said, he could not allow this discussion to close without acknowledging the kind expressions which hon. Members had used with regard to his conduct of this Bill. Ever since he had taken this matter in hand—now nearly four years ago—his only object had been to propose arrangements which he believed to be best for the classes for whom these Societies existed. He had had a good deal of anxiety on one or two points connected with the Bill, and he admitted that from time to time he had been com-

pelled, in the course of the discussions on this Bill, to abandon opinions which he had formed after due deliberation. He ventured to make an observation the other day in the country to the effect that he remembered reading a book written by a Frenchman, in which the author said that when he had been three weeks in this country he could write a book giving a full account of it; that when he had been here a year, he discovered that it would take much more time than he had supposed; but when he had resided here two years he discovered he had undertaken a task that was well nigh impossible. So with this question. Having begun to study the question of Friendly Societies about four years ago, he (the Chancellor of the Exchequer) thought it was an easy one; but the more he studied it, the more difficult he found it. But one thing he observed with regard to the working people from whom these Societies had sprung, and that was that they were conducting their business in a spirit and manner from which they all could learn. All the lessons he had learnt on this matter he had learnt from working men.

Amendment (*Mr. Callender*) *negatived*.

Amendment (*Mr. Hopwood*) *agreed to*.

Words *inserted*.

THE CHANCELLOR OF THE EXCHEQUER, referring to the sub-section of Clause 28, said, the words "all persons and bodies corporate and unincorporate" were introduced to meet the case of certain Insurance Companies which were not registered as Friendly Societies, and yet were doing industrial business. The principal of them was the great Prudential Assurance Company. These Companies were at present outside the law, and there was a great deal of difficulty in ascertaining what their position was with regard to the insurances which they had effected. The object of the clause as it was drawn was to bring these Companies, which were to all intents and purposes doing the same business as Friendly Societies, within the provisions of this section with regard to insurance. He proposed to introduce in some part of the Bill a full definition of Industrial Companies, and to strike out of this sub-section the words "all persons and bodies corporate and unincorporate," and insert the words "Industrial Companies."

Mr. GREGORY said, he doubted whether the proposed alteration would

carry out the object of the right hon. Gentleman. He doubted whether the point could be cleared up except by adopting something like the Amendment of which the hon. and learned Member for Marylebone had given Notice.

MR. CAWLEY said, he was inclined to think that the words proposed to be introduced would not include Burial Societies.

THE CHANCELLOR OF THE EXCHEQUER said, there could be no doubt that Burial Societies would be included. The point was what would be included beside them. The word "Society" in this clause was intended to include all Companies like the Prudential Company which were doing industrial insurance business.

*Amendment agreed to.*

Clause, as amended, *added* to the Bill.

Clause 29 *agreed to.*

Clause 30 (Societies receiving contributions in two or more counties by collectors).

MR. W. HOLMS moved the omission of the words "in more counties than one (whether of England, Scotland, or Ireland)." If the clause remained unaltered, all collecting Societies would be divided into two distinct classes, one class carrying on their operations within the boundary of a single county, and the other conducting business in two or more counties. His intention was, by striking out the reference to more than one county, to give the clause a general application.

THE CHANCELLOR OF THE EXCHEQUER said, the object of this clause, one of the most important in the Bill, was to deal with Societies carrying on operations by the agency of collectors at a great distance from their headquarters—and, in fact, all over the United Kingdom—without being subject to local influence or supervision. It was in connection with such Societies that so many abuses had been found to exist, as there was a difficulty in exercising control over the collectors, who had the real working and management of these Societies. There might, however, be cases of Societies carrying on their operations within a single and populous county, such as Lancashire or Yorkshire, in a manner very little different from that of the more extended Societies;

*Mr. Gregory*

and, no doubt, it would be anomalous that a Society which happened to be on the borders of two counties should be brought within the meaning of the clause, while another Society of precisely the same character inside one of those counties was exempted. He would, therefore, accept the Amendment, but must limit the effect of the section by inserting words applying it to any Society receiving contributions "at a greater distance than ten miles from the register office of the Society." Interference with small local Societies would cause inconvenience and hardship.

MR. W. HOLMS feared that collecting Societies in large cities would escape from these wholesome restrictions.

*Amendment, with the proposed alteration, agreed to.*

Clause, as amended, *agreed to.*

MR. ANDERSON objected to the second sub-section of the clause, which required the sending of circulars to members who fell in arrears. He knew it was principally intended to benefit those who inadvertently fell into arrears; but he was afraid it would favour dishonest men who systematically fell into arrears. The expense to the Societies would be something enormous. There was, for example, a Society in Glasgow which had 50,000 members. The average payments were a  $\frac{1}{2}d.$  and  $1d.$  per week, and it would cost quite as much to send them notices. He thought notice should not require to be served till the member was, say, eight weeks in arrear.

*Amendment moved, to add at end of clause—*

"Provided always, That such notices shall not be necessary in Societies where, by the rules thereof, it is provided that no member shall fall out of benefit until his contributions are at least eight weeks in arrear, and that a member may, on reasonable conditions as to the state of his health and the time within which he will again be in benefit, be restored to the full rights of membership, so long as he shall not be more than twenty-four weeks in arrear." — (*Mr. Anderson.*)

THE CHANCELLOR OF THE EXCHEQUER said, he could not agree to the proposal of his hon. Friend.

*Amendment negatived.*

Clause, as amended, *agreed to.*

Clause 31 (As to cattle insurance and certain other societies).

MR. MELDON objected to the power given to Societies to cause members in all parts of the country to answer suits brought in the Courts where their head office happened to be. He proposed an Amendment to make it necessary for the Societies to sue in the Courts of the locality in which members resided.

THE SOLICITOR GENERAL explained that Irish suits would require to be brought in the Irish Courts. In regard to England, he thought it might be desirable to make it optional for the Societies to sue either in the locality of their headquarters, or in that where defaulting members happened to reside.

THE CHANCELLOR OF THE EXCHEQUER said, he would consider the matter.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 32 *agreed to*.

Clause 33 (Summary procedure and appeals).

MR. MACDONALD said, that the Scotch appeal was to be in accordance with 20 Geo. II., c. 43; but as this statute only gave an appeal where there was malice or oppression on the part of the Judge, there would be no real and efficient appeal under the present Bill. He therefore moved to omit the words which would limit the appeal.

THE CHANCELLOR OF THE EXCHEQUER admitted that it was of great importance that there should be a proper appeal, and he would therefore assent to the Amendment, and insert fresh words upon the Report, if necessary, after the matter had been considered by the Lord Advocate.

Amendment *agreed to*.

Clause *agreed to*.

SIR THOMAS CHAMBERS proposed a new clause—

(No Company depositing annual statements with Board of Trade to be affected by this Act.)

"No company or society corporate or incorporate, which deposits its annual statements or abstracts of accounts or periodical valuations with the Board of Trade in conformity with the provisions of 'The Life Assurance Companies Act, 1870, and Life Assurance Companies Amendment Act, 1872,' shall be held to be affected in any way by the provisions of this Act: Provided, That this Clause shall not refer to or be construed as exempting from the provisions of this Act companies or societies corporate or incorporate which grant assurances on any one

life for a less sum than twenty-five pounds, and which collect and receive premiums at less intervals than three calendar months, and which companies or societies, but for this Clause, would have been held to be within the provisions of this Act."

The hon. and learned Member said, the object of his clause was to exempt Insurance Companies from its operation, except so far as regarded Clause 28, and that was inserted because some of the present Insurance Companies might do the business mentioned in the Act, and then they ought to be subjected to the provisions of the Act.

THE CHANCELLOR OF THE EXCHEQUER said, it was rather a difficult subject. He was anxious to take care that these Companies were not unduly affected, and as there was considerable doubt upon the point, he proposed to have a conference with those interested on the subject before he assented to the proposed clause.

Motion, by leave, *withdrawn*.

Remaining clauses *agreed to*.

Bill *reported*; as amended, to be considered upon *Monday* 14th June, and to be *printed*. [Bill 196.]

#### LAND TITLES AND TRANSFER BILL.

(*The Attorney General.*)

[BILL 105.] [*Lords.*] COMMITTEE.

Order for Committee read.

THE ATTORNEY GENERAL said, that, in moving last year the second reading of a measure of a similar character to the present one, he indicated what appeared to him to be the necessity for legislation on the subject, the objects for which such legislation was desirable, and the means by which it was proposed to accomplish those objects. He then took the opportunity of directing the attention of the House to the interest which for many years had been taken in the subject of facilitating the transfer of land, as also to the various attempts which had been made to establish a satisfactory land registry, to the failure of such attempts, and to the causes of such failure. He did not therefore propose to travel over the same ground on the present occasion. The great object to be sought by any Bill of this kind was to provide suitable means by which a title could be declared to be good, and by which, when once authoritatively declared to be so, it should be preserved and continued through successive alienations and charges. He did not sug-



gest that the present Bill would effect any very great saving of expense in establishing and registering, in the first instance, the absolute title of a person to property. The real advantage of having a register of titles was that, when once an absolute and clear title to a property had been ascertained and placed on the register, it could be subsequently dealt with at a trifling cost and trouble. The Bill differed in some respects from the one of last year. It was less ambitious in its character. Those who had read the Reports of the various Commissions and Committees which had examined into the subject would be aware that one of the chief reasons to be assigned for the failure of Lord Westbury's Act was that it was too ambitious in its scope, endeavouring, as it did, to deal with almost every imaginable class of titles. The present Bill was very much more simple. It was divided into five parts. The first part referred to the entry of property on the register of titles; the second and third parts provided for dealings with registered land; the former for registered, and the latter for unregistered dealings; the fourth part contained supplemental clauses providing for a variety of cases which would arise from the property being of various descriptions and from the varied character of ownerships; and the fifth part related to the mode in which the provisions of the Bill were to be carried into operation. He would explain entry a little more in detail. As regarded the first part, that which related to rating on the register, he would observe that the properties, proposed to be dealt with, were of two kinds, freehold and long leasehold—the last-named being held for a life or lives, or upon terms, tenures, determinable on lives, or for terms of which at least 21 years were unexpired. The persons who were to be entitled to register were also divisible into two classes. When the Bill was originally introduced, it was proposed only to deal with absolute beneficial owners; but Amendments had been introduced to enable beneficial owners to have the names of nominees placed upon the register instead of their own; or the names of trustees or donees of power of sale might be placed upon the register. The effect of registration would be that the owners of property in fee simple would be placed upon the register; but the title so registered would, or might be,

subject to incumbrances — some of which would be themselves registered and, others such as tithe-rent charges, succession duty, &c., would be declared incumbrances by the provisions of the Bill, and would not, except under special circumstances, be noticed on the register. In order to lessen the number of this second class of incumbrances it was proposed that, in case the Registrar were satisfied by evidence that any property or properties were free from any or all of them, he should enter the fact upon the register, as, for instance, that the property was free from tithe or tithe rent-charge, or that succession duty had been paid, &c. There were other proposals for lessening the number of incumbrances, which would be explained when the House had resolved itself into Committee on the Bill. It was also proposed that the right to mines and minerals, where such rights existed, should be placed upon the register. In order to guard against improper registration, the Bill contained provisions that notice of intention to register should be given in order that any persons who had the right of objection might have full opportunity of exercising such right before the Registrar. The Registrar would have the power of deciding any objections made; and, in case the parties were not satisfied, there would be an appeal either to the Court of Chancery or to some other Court which might be appointed for the purpose. Registered owners of property would be supplied with documents of title of which they could avail themselves for the purpose of creating equitable mortgages. Power was given to register titles which were not absolute, but possessory. Provision having been thus made for the entry of the title on the register, the second and third parts of the Bill dealt with transfers of property, including the creation of mortgages and charges and the transfers of mortgages and charges; and the object of these portions of the Bill was to give class transferres of a more efficient protection than they had hitherto enjoyed. The next part of the Bill contained supplementary provisions for dealing with property of a peculiar character, and also of dealing with interests of a particular kind, such as those of married women and children. By the next portion of the Bill, amongst other things, power was given to the Lord Chancellor to establish district re-

gistries. There remained one difference, between the Bill of last year and that now under consideration, to which he desired to direct attention. In the Bill of last year provision was made for the compulsory registration of titles upon purchases made after three years from the passing of the Act, with an exception in favour of properties, the purchase monies for which were less than £300. In the present Bill there was no such provision. He was bound to admit that he had last year strongly advocated the compulsory provisions, and he still retained the same opinion; but the objections raised to the proposal were so many and so strong, and the doubts whether it would work were so considerable, that it had been thought best on the present occasion not to risk the passage of the whole measure by introducing a provision in regard to which so much difference of opinion existed. The Bill was introduced with an honest desire to deal with an admittedly difficult question, and if it did not attempt so much as was proposed in the Bill of last year, he believed that, if it passed into law, it would at least conduce to the increased security of titles to land, and to facilities of dealing with it.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Attorney General.*)

MR. OSBORNE MORGAN said,\* if he desired to justify the course he had taken, he might do so by a reference to the Attorney General's speech last year, when, in arguing in favour of the compulsion clause which the Bill then contained, he had emphatically declared that, "to deprive the Bill of its compulsory character, would be to take from it its chief advantage." And yet he now turned round upon them and asked them to accept the Bill shorn of what, according to his own showing, was its chief recommendation. Now, if this were a new experiment in legislation he should have been quite ready to have stood aloof and awaited the result. But they were travelling along a road strewn with the wrecks of former measures. The history of legislation on this subject had been a history of conspicuous, he might say ignominious, failures. To the present generation of lawyers the establishment of a system of land registry had been very much what the discovery of a North-west passage was to the last gene-

ration of seamen, a thing which everybody thought could be done, but which nobody ever managed to accomplish. Of eight Bills which he recollected introduced with that object, one alone—Lord Westbury's Act of 1862—had become law. It would be instructive to examine into the causes of the failure of that measure, in order, if possible, to avoid falling into them. He well recollected the flourish of trumpets with which that Act was introduced. He remembered Lord Westbury's boast that if that Act were passed every landowner would be able to carry his title deeds in his waistcoat pocket, and the picture which he drew of a country gentleman in his easy-chair after dinner regaling himself with the sight of his muniments of title printed upon a piece of paper about the size of a large visiting card. Well, that was the promise. What had been the performance? The Act had only been in operation six years, when its author was called upon to preside over a Royal Commission to inquire into the causes of its failure. That Commission reported that from October, 1862, to January, 1868, the total number of applications under the Act had only been 507, and the total number of titles registered 209; and since that time there had been more applications, he believed, to take titles off the register than to put them on it. The Commission reported that the unpopularity of the system established by the Act was due to two or three small blemishes in it which the present Bill certainly avoided. But the Report was the Report of three Commissioners only out of 12—three having wholly, and six partially, dissented from it. Under these circumstances, he thought they were at liberty to gather, upon the evidence and from the conclusions of the various Commissioners, the causes of that failure. And he thought they were not far to seek. The Act authorized registration with two kinds of title—an "indefeasible" and a "defeasible" title—in other words, a good title and a bad title. Now, if a man had a good title he was generally content to let it alone; if he had a bad title the very last thing in the world which he would do would be to stereotype and proclaim the fact by putting it on a public register. But this Bill really adopted Lord Westbury's division, merely substituting "absolute" and "qualified" titles for "indefeasible" and "defeasible"

ones, with one important additional provision, that registration was not to affect adjoining owners. But this alteration cut two ways, for if it made registration in the first instance more easy, it made it, in the long run, less effectual. No doubt the Bill contained a provision for the registration of "possessory" titles; but he hoped to show that the advantages conferred by this mode of registration were so remote, in comparison with the cost imposed, that, now that the Bill had been made permissive, it would be practically inoperative. Further, it was impossible not to see that the machinery provided by the old Act would have proved quite inadequate if the Act itself had proved a success. And yet they took over this machinery—stamped as it was with the reputation of failure—and, without increasing its force, placed upon it all the additional work which it was said this Act would bring with it. Was not this very much like taking a horse which had proved himself barely up to the weight of his hon. and learned Friend the Member for Taunton, and putting the Solicitor General upon it? A good system of land transfer ought to secure three objects—first, security to the holder; secondly, cheapness and facility of transfer; and, lastly, uniformity. And he thought that in none of these three particulars would the Bill be an improvement upon the existing system. As to security, it was a mistake to suppose that the title to land in England was at present insecure. Last year he mentioned that, in the course of a professional experience of more than 20 years, he had only come across three cases in which a purchaser or first mortgagee had been disturbed in his holding; and as a proof that the present system gave practical security, he would quote the evidence of Mr. Rowcliffe—a most competent witness—before the Royal Commission, who said—

"I may say that during nearly twenty-five years of litigated business arising in all parts of England, I have never known a purchaser lose his property from any unknown defect of title."

Now a man could not be safer than safe, so that as far as security went the Bill was not wanted at all. Moreover, it was a fallacy to suppose that even "an absolute title" meant a Parliamentary title, and as to "possessory titles" it was only necessary to glance at the 8th clause to see that registration with such a title gave no present protection whatever.

*Mr. Osborne Morgan*

It gave the holder, no doubt, something which 40 years hence, when he was dead and buried, might ripen into protection, but this was obviously not the sort of thing which a person registering wanted for his money. Then, as to the second point—cheapness and facility of transfer—no doubt the present system left much to be desired. When a man bought property in England, he could rarely form a guess even as to the cost of completing the purchase. Cases had been cited in which purchases amounting to £1,000 had been completed for a few pounds, while there were others on record where the cost had exceeded half the purchase money. The reason was that there were titles so simple that he who runs may read them, or so well known that nobody ever thought of investigating them, while there were others so complicated that it required an Act of Parliament to disentangle them. Now, did the present Bill really remove these anomalies? Would it really effect a material saving wherever it was adopted? Upon this point the course taken by the author of the Bill last year was, in his opinion, at least conclusive. It would be remembered that the Bill, as originally framed, made registration with a "possessory" title compulsory in all cases after three years. It was pointed out to the Lord Chancellor that the cost of such a registration would be so heavy that it would amount to an absolute prohibition on small purchases. The Lord Chancellor admitted the force of that objection, and exempted purchases of £300 and under from the operation of the compulsion clause. Now was not that an admission that this was a rich man's Bill, and not a poor man's Bill? that registration under it was a luxury too costly for those in whose interest such a Bill ought chiefly to be framed—the artizan who had scraped together enough money to buy the cottage in which he lived, or the small farmer who wanted to add a field or two to his little freehold? If they looked to the Bill itself they were left completely at sea, for it provided simply that the title should be investigated in the prescribed manner, which meant in the manner which the Lord Chancellor might hereafter enact—section 110. So that it really seemed less like an Act to simplify the title and transfer of land than an Act to enable the Lord Chancellor to make such



an Act. Certain things, however, could not be dispensed with. Thus, under the 17th clause, the person registering was compelled to challenge the world to come in and dispute his title. The 73rd and 74th clauses, too, with their provisions for arguing disputed questions before the Registrar, with an appeal to the Court, whatever that might be, and so on through the various stages of intermediate and final appeals, looked very much as if his hon. and learned Friend, commiserating the state of destitution to which the legal profession would be reduced when the reforms now contemplated came into operation, had set himself to work to provide occupation for frozen-out lawyers. Then, there was the 41st clause, which provided that when a registered proprietor died, the parties should go before the Registrar, who was to settle whose name was to be placed upon the register, just as if it was not a sufficient misfortune for a man to die without being compelled to leave behind him the legacy of an inchoate Chancery suit. He might refer to other clauses, but he thought he had made it clear that the Bill left the cost which a purchaser incurred at present untouched, while, by requiring the same process of investigation to be gone through a second time before the Registrar, it added a large mass of additional expense. Then, as to the third desideratum—uniformity of system. There could be no doubt that English real property law was a jumble of half-a-dozen systems, some of which had come directly down from feudal times—the necessary consequence of our having gone on for ever building upon the old lines and with the old materials. One would have thought that the first object of such a Bill as this would have been to simplify and assimilate these discordant systems. But the Bill abolished nothing; it merely added on three new systems of land tenure, while it left the existing systems untouched. If it were passed, a man might purchase a farm consisting of four fields; the first might be held under an “absolute” title, the second under a “qualified” title, the third under a “possessory” title, and the fourth under an “unregistered” title. Let them see what a vast area the Bill left untouched, and then ask whether it was worth while to pass it at all. It left untouched (1) copyholds, (2) customary freeholds, (3) lands held in settlement, which were

computed to comprise three-fourths of the lands of England. But was it so sure, now that the Bill was made permissive, that the Act would be adopted even where it was applicable? He had always maintained that a system of registration to be effective must be compulsory. Indeed, the possibility of making such a measure compulsory was a fair test of its merits. For if its provisions were workable, if it conferred great benefits and imposed no comparative burdens, what was the hardship of compelling people to adopt it? If, on the other hand, it did not fulfil those conditions, why pass it at all? But he went farther, and expressed his belief that the best system of registration would not be generally adopted if made permissive. How many titles did Lord O'Hagan say had been registered under the Record of Titles Act in Ireland, which was a permissive Act? You had to overcome a certain *vis inertiae* on the part of the public and their advisers. In fact, you could not coax people into adopting the best system of registration in the world, for it necessarily involved a present outlay for the benefit of those who came after them, and as a general rule people did not care about spending money on posterity. The only person in England who recognized the duty of spending money upon a future generation was the Chancellor of the Exchequer, and he had the advantage of being able to put his hand into other people's pockets. But would any person voluntarily pay money for the privilege of running his head into such a noose as was provided for him by the clauses of this Bill? The utmost that could be hoped was that the Bill would be a dead letter, and perhaps in the year 1885 we should have the Attorney General, like Lord Westbury, and, let them hope, occupying the same exalted position, called upon to preside over a Royal Commission to inquire into the causes of the failure of his own Act. But it might be said, why not amend the Bill? He believed, however, that the Bill proceeded upon a wrong principle. It begun at the wrong end. It called itself a Bill to simplify titles, and yet it hardly dealt with titles at all. And yet in this lay the whole problem; for if you simplified your titles your conveyancing would simplify itself. While he was upon this part of the subject, he wished to say a few words upon a question



which had often been agitated—the possibility of assimilating the transfer of land to the transfer of stock. He would say at once that you could not altogether assimilate the two things, and that for two reasons. In the first place stock was a debt, and in the case of its transfer you had the Bank of England in the background, which was bound to make good to the rightful owner any loss which might occur through its negligence or default. But no one proposed that the Land Registry Office or the State should guarantee the rightful owner of land against the consequences of a wrongful transfer. But there was a further reason why the two things could not be assimilated. Stock was an abstract thing. Land was a concrete thing. One pound of stock was as good as another, but one acre of land was by no means as good as another. Moreover, land was a concrete which was not always easy of identification, differing in this respect from a ship and most other personal chattels. If he wrote to his broker and directed him to purchase £1,000 worth of Consols he might feel as sure that he had got the thing he wanted as if he had the proceeds in his own pocket. But if he wrote to his solicitor or agent to purchase “Dale Farm” it might take weeks and even months before he could be absolutely certain that he had got the very thing he had contracted for. He referred to a case in which he had been professionally concerned, in which a man had taken a mineral lease of land in Cornwall which was described as “bounded on the east by John Vincent’s house.” It turned out that there was a valuable lode of copper just under John Vincent’s house, the right to which depended upon whether the boundary line was drawn from the east or west side of the house—a right which it took two chancery suits and three actions of ejectment to determine. No doubt a good map would do much to remove such questions, and, in his opinion, a good cadastral survey was the first condition of a system of land registry, as necessary to registration as a compass was to a ship. But, admitting that there were causes inherent in the subject-matter which made it impossible entirely to assimilate the transfer of land and stock, there was no doubt that much of the difficulty of transferring the former, as distinguished from the latter, proceeded from the mode in which the law allowed it to be dealt with. Every

pound of stock was required to be registered in the name of some one or more persons who were competent to dispose of it by law. But land might be tied up through successive generations, and split up into a variety of partial interests, and it was in hunting out for the owner of these various interests that time and money were consumed. Settlements, entails, powers of joint-urging, powers of portioning—these were the real criminals whom you had to arraign. Require that every acre of land should be registered in the name of some one or more persons, be they tenants for life and remaindermen or trustees, who should have absolute power to make a title to it, and the transfer of land would become almost as easy as the transfer of stock. It might be said, Would you abolish settlements of real property then? By no means; but then settlements of realty should be like settlements of stock. The trust should be kept off the register, and the equitable owners should be left to protect themselves by the same means as the equitable owners of stock. That was the opinion of some of the most competent witnesses examined before the Royal Commission. He would give one instance, Mr. Ford, who, at page 65 of the appendix, said—

“In my opinion no real advantage will accrue to the public till land is treated like Government stock, and is capable of being transferred by trustees without regard to equitable interests or interests less than the absolute ownership.”

That was the system in force in South Australia. True it was that in Australia land was an *article de commerce*, whereas in England it was becoming an *article de luxe*. In Australia it was a marketable commodity, in England it represented the *pretium affectionis*. In Australia the object of people was to make it as marketable as possible, whereas the object of most persons in England seemed to be to keep it out of the market as long as possible. But did not this show that the difference lay not so much in the subject-matter itself as in the associations and sentiments which had grown up around it? No doubt those sentiments were at the present moment strong enough to defeat such a proposal as he had thrown out, however useful and unobjectionable in itself. But what he wished to insist upon was this—that anything short of such a radical change would do little or

*Mr. Osborne Morgan*

nothing. As it was, you were merely nibbling at a great question—applying a homœopathic remedy to a disease of 500 years' standing. Did his hon. and learned Friend really think that he could regenerate and remodel the law of real property by such a Bill as this? Why, he might as well attempt to penetrate the hide of a rhinoceros with a pea-shooter! Ever since the Bill had appeared he had been trying to collect opinions upon its merits, and the highest praise he had heard bestowed upon it was that in its present permissive condition it would be innocuous if it was useless; it would do no harm if it did no good. Now he maintained that every Act of Parliament which did no good necessarily did harm. In the first place, it unsettled the law for nothing; in the next place—and the same thing might be said of all these sham Bills, by whatever name they were called—it served as a stopgap in the way of further legislation. The question got shelved, the public conscience was appeased for a time, and it was only some 10 years afterwards, when a Royal Commission was issued to inquire into the causes of its failure, that the public woke up to the fact that they had had a sham measure palmed off upon them. And now he would conclude by very respectfully tendering a piece of advice to the Government. If this thing was worth doing at all, it was worth doing well. *No tentes aut perfice*. If, in their opinion, the time had come for applying a remedy, let them apply that remedy with a bold and unflinching hand; if, on the other hand, they believed that the subject was not ripe for a settlement, in heaven's name let it be left alone.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House, while fully alive to the expediency of making the title to land more uniform and its transfer more simple, cheap, and expeditious, is of opinion that this Bill will not effectually carry out those objects," — (*Mr. Osborne Morgan*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GOLDNEY thought that this was a good Bill, and, having studied the subject carefully for many years, he felt no doubt that this was a step in the right direction—at any rate, it would go

far to make somewhat intelligible to the community at large what had hitherto been confined to the special knowledge of the legal profession. The hon. and learned Member (*Mr. Osborne Morgan*) had argued that this measure was only a benefit to the rich man. In his (*Mr. Goldney's*) opinion, on the contrary, it would chiefly benefit the poor man; and it carefully guarded against the danger of becoming entangled with the question of settlements. The Bill was, in his opinion, a great improvement over that of last year, because it removed the prejudice entertained by the legal Profession, and a portion of the public, in regard to its compulsory operation. It also removed another difficulty—namely, the apprehension that the compulsory operation of such a measure would give rise to such a mass of transactions that it would require an army of officials to carry it out within the period prescribed by the previous Act. The hon. and learned Member (*Mr. Osborne Morgan*) had complained of the failure of Lord Westbury's Act; but that Act was confined to the registration of absolute titles, while the present Bill provided for two objects—the simplification of titles and the transfer of land from one person to another. This distinction between the two measures ought to be well understood. The present Bill really went back to the old system of land tenure, a portion of which still remained under the title of copyhold tenure.

And it being ten minutes before Seven of the clock, the Debate was adjourned till *To-morrow*.

And it being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That *Mr. Speaker* do now leave the Chair."

#### ARMY—REMOVAL OF MILITARY OFFICERS.

##### MOTION FOR AN ADDRESS.

MR. W. M. TORRENS, in moving—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the dismissal or removal from active service of officers of the Army under the rank of Major

General, not incapacitated by bodily or mental infirmity, and who have not been allowed the option of being brought before a Court-Martial," said, that when in the course of last Session the Government was asked to concur in the spirit of this Resolution against the removal of officers of the Army without trial—the reason assigned for refusing the Motion was that no sufficient case had been made out calling for the interference of Parliament with the Royal Prerogative. He did not understand the Secretary for War to say there was no justice in what was urged; but it was not unreasonable in the right hon. Gentleman to ask who it was that demanded the change which was proposed. Since last year there had poured in from every quarter of the Empire complaints from persons who felt themselves aggrieved by the exercise of this power of summary dismissal. There had been laid on the Table of the House many Petitions from persons who had nothing in common but their sense of wrong. They came from officers of every branch of the Service, and of every rank in life—from officers of the Guards, of the Cavalry, of the Indian Service, and of the Staff Corps. Some of the complainants had been born to wealth and position; and there was, at least, one Petition from a man who had risen from the ranks. Surely such a concurrence of complaint afforded strong presumption, if not proof of the existence of such hardship. The hon. and gallant Member for Ayrshire (Colonel Alexander) had given Notice of his intention to move as an Amendment—"That to restrict the undoubted Prerogative of the Crown would be neither wise nor expedient." He (Mr. Torrens) had no objection to accept those words—which could not, he apprehended, in point of form, be put by way of Amendment—as an addition to the Resolution; and then, if the Secretary for War declared that what was sought would derogate from the dignity of the Crown, he would withdraw the Motion. He and those who supported the Motion had no idea of doing anything in derogation from the Prerogative of the Crown, and he would observe that the true answer in reference to the Prerogative was given long ago in the House of Lords by Lord Chesterfield. He said—

"I understand the Prerogative of the Crown to be this—that the Sovereign may do the

greatest amount of good to the subject that she pleases, but the presumption of the Constitution is that the Sovereign can do no wrong; and they are the true friends of the Monarchy who would take care that the Sovereign was not betrayed into doing an unintentional wrong. It was the duty of Parliament to prevent the Crown being misled into doing a piece of the highest injustice to a faithful soldier, and to prevent a good and brave officer from being reduced to a starving condition."

These are the words of no subversive demagogue, but of the courtliest of courtiers, the friend of Swift and Bolingbroke, a Tory of the Tories. All that those who supported the present Motion desired was that the Queen's name should not be abused by men who were in a subordinate position, through want of care on the part of the Minister of War, and that the power of the Prerogative should be invoked only where wise, honest, and disinterested men would like to see it invoked.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. W. M. TORRENS resumed: He would have to state some instances of the manner in which the present system worked, and show that what he ventured to recommend was perfectly compatible with the Prerogative of the Crown. What he contended for was, that when a man had no fault or default proved against him in any branch of the Service, it was wrong to put him on penal half-pay or to dismiss him the Service altogether, without giving him the option of defending his character and conduct. Courts of Inquiry were a modern innovation, and were unknown in the best times of our Constitution. He admitted the stringency and rigour of courts-martial, but he did not believe that officers in any branch of the Service would shrink from being made amenable to such tribunals. They did shrink from being driven out of the Service which they had chosen as a profession on rumours and *ex parte* evidence, or what was, in fact, no evidence at all, or upon whispers which did not venture to make themselves audible. They did object to being condemned without being allowed an opportunity of making themselves heard. He would remind the House of what the late Lord Derby had stated on this subject, in a discussion raised on the dismissal of an officer on the report of a Board of Inquiry.

*Mr. W. M. Torrens*

That officer was a Peer of the Realm. He was in command of a Queen's ship; the ship went aground; the Admiralty ordered a Court of Inquiry, and without hearing the noble Lord, without confronting him with his accusers, on *ex parte* evidence, not on oath, they came to a decision that he had neglected his duty, that he was highly censurable, and should be relieved of his command. The case was brought before the other House by Lord Hardwicke as one of grievance. In the discussion Lord Derby said—

“The real ground of complaint was that he had been deprived of his command on the finding of a Court which sat without his knowledge, in his absence, and took evidence wholly *ex parte*, and that consequently he had not had a fair trial.”

He (Mr. Torrens) was content to be as Conservative as the late Lord Derby, and he only asked his Friends opposite not to be less Liberal than that noble Earl. But he might quote even a more striking case from the annals of their own House. In the time of Mr. Perceval a charge of a grave character was brought against an officer of high rank. By the Premier's advice that officer addressed a letter to the then Speaker (Mr. Abbott). That letter was on the records of the House. It was not merely a protestation of his innocence, but it contained a statement of his past services and character. The letter that was then read from the Chair was dictated by Mr. Perceval, as we now know from his Memoirs, and approved of by Speaker Abbott, and signed by the accused at the Bar. The letter was to this effect—

“I claim from the House, justice that I may not be condemned, except upon evidence taken under the sanction which every other British subject is entitled to claim in the administration of the law.”

Who was the accused? Why, the son of a King and the Commander-in-Chief of the British Army. He was accused of having sold the patronage of the Crown to strumpets and jobbers, and when brought before the House on that tremendous accusation he claimed a fair trial and testimony on oath. Would they not ratify the prayer of the Duke of York, and say that every man who had served the Crown up to the day of his accusation should at least have that justice meted to him which was given to every thief and ruffian made amenable to law. He maintained that

what was then asked was not in defeasance or diminution of any just Prerogative of the Crown. There were no fewer than a dozen Petitions on the Table complaining of injustice in this matter. He would state succinctly, and without exaggeration, the facts set forth in two or three. But before doing so, let him briefly recall the circumstances of a case which had been brought before Parliament in a former Session. Lieutenant Robins was a man of good extraction. When serving in India he had the misfortune to take a severe cold, which took the form of acute neuralgia, and whilst in that state he was ordered to take a long journey in the discharge of his duty. Travelling at night, and suffering great agony, he found himself at the door of an outpost in a wild country. Eager to obtain relief he called upon the guard to admit him without stating who he was. The men were asleep, and did not like to be disturbed. He got angry, and when the door was opened, forgetting that he was not in uniform, he pressed in, and a scuffle ensued. The circumstances were reported to head-quarters, a Court of Inquiry was ordered, and upon its report Lieutenant Robins was told that he must retire on half-pay or sell out, and if not he would be dismissed the Service. He applied for a court-martial, but it was refused; and when he came home he was told by the Horse Guards authorities that he must sell out. That he said he would never do—that he would never take anything but an acquittal. He was, however, informed that he must leave the Service, because the decision that had been come to in his case would not be revised. Up to the present hour that egregious act of injustice remained unatoned; for, despairing of redress, their victim had ceased to complain; but no honourable man could cease to feel such wrong; and who could set limits to the evil influence of such an administrative scandal? In the old Army of the East India Company the enterprize and valour of our middle classes were long accustomed to seek and find distinction and reward. It was a perilous, but always a popular service. The veteran father came home to enjoy, in honourable competence, the evening of his renown, and sent forth his nephew or his son to follow in the same career, for the Company was a liberal and a reliable master. Irish and Scotch families often had



many of their members in that Service, and there was no family that could furnish more notable and illustrious instances than the family of Grant. The name occurred very frequently with honour in Indian annals. But the name of Lieutenant-Colonel Doverton Grant no longer appeared in the Army List. This gentleman entered the Indian Service in 1842, and rose until he reached his present rank. After he had been more than 31 years in the Service the Government said they had no further need of his sword, and in order to effect a pettifogging and unjust economy, he was forced to retire upon the ordinary pension of £1 a-day, the smallest retiring allowance paid to an officer of that rank. Had he been allowed to complete his regular term of service, as he was willing and able to do, his life risk and life toil would have been requited by a pension of £1,100 a-year. This was what he had been told to look forward to for 31 years; but this was what he had been deprived of by an arbitrary and indefensible decree. He had never been tried, never had a single intimation of any charge whatever against him on the part of the authorities. He (Mr. Torrens) had here his letter—the letter of a brave and bold, but of a grave and decorous man, and he asked what he had done that after 31 years' service he, the son of a man who had served the country for 46 years and died in uniform, with two brothers in the Service who had obtained the rank of field officers—he asked what he had done that he should have been thus stigmatized in the face of his comrades and friends without having been told why or having the power to defend himself? If such doings could be defended, then he was unfit to have a seat in the House of Commons, for he did not know the difference between right and wrong. Well, what was the answer this gallant gentleman received from the authorities? It came to this—"It is true that you have been 31 years in the Service, that you have obtained honours, and that your bravery was conspicuous; but seven years before this an assistant-surgeon of a regiment in which you were serving wrote a depreciatory report to head-quarters, which the Government kept in its pocket for seven years, and which they rummaged out when they wanted to get rid of you." Suppose every word of the report was true, was it justice, was it common sense, was it

decency, to keep *in petto* a report like that until it suited the Government to make use of it? It appeared that during 31 years this officer had been 166 days invalided, and therefore the insinuation of the assistant-surgeon was, that he was not fit for the service of the British Crown. Not long after the clandestine and calumnious report was made, being removed from the unhealthy station where he had been placed, Colonel Grant got perfectly well, was in the enjoyment of robust health, and did active duty under three distinguished officers. The East India Company well understood how to keep up their military force. They had built up their Empire in India by offering brilliant inducements to the youth of this country to enter their service, and by steadfastly keeping faith with them. They knew that they required veteran soldiers who were accustomed to stand firm in the face of enemies that far outnumbered them, and they felt that they must not break faith with these brave men, so they gave them high pay and good pensions. The result of such a system was that we had now our Indian Empire. Was ever Empire kept by breaking faith with those who helped to win it? In drawing attention to this subject he was anxious that it should not be supposed that he had any party feeling in the matter—he found as much fault with the late as he did with the present Government. They had the painful confession already in the Blue Books that the Government at home had got bewildered in the maze of Indian finance, and had been tampering with the question of economy at the expense of gallant men, who were cut off from the Service before they could earn their promised pensions. He regretted to say that the deplorable suggestion had been made and entertained that they should weed out of their Army a number of honourable men who had unsuspectingly continued in the Service in the hope of obtaining the prizes that had been held out to them. A "Black List," in which were entered the names of those who were to be got rid of had been prepared in 1870, but Lord Mayo, to his honour, had refused to be a party to the proceeding, and he (Mr. Torrens) blessed his memory for it. If we could not afford to spend so much money, let us retrench our expenditure, but do not let us attempt to save out of the pockets defenceless individuals; that was spolia-

*Mr. W. M. Torrens*

tion. It had in it all the vice and curse of Communism, and was sure to draw down retribution sooner or later. If our officers were incompetent, it must be from one of two causes—either because they were suffering from physical or mental incapacity, which could be ascertained without difficulty by proper examination, or because they had committed some fault or default or had been guilty or some misconduct under the Articles of War. If a man had done anything wrong, by all means let him have a fair trial before he was cut adrift. Why, vermin that were hunted to death were given a fair run, and why should not our officers receive at least equal consideration? If they were incapacitated from serving their country, he did not ask that they should be kept in the Force; but do not let a man be dismissed for some vague incapacity, neither moral, physical, nor intellectual, because somebody did not like the cut of his whiskers, or because it was found that he could not agree at mess with some coxcomb of quality or some influential fool of rank. It was too late to ask the House of Commons to sanction such reasons as these for dismissing a man from the Service. Why did they abolish Purchase, except with the view of opening a profession of arms to persons in the middle class, and to give a career to fidelity and merit, irrespective of rank? For the sake of those who had neither interest nor influence, he as a middle-class man, said that they would not have their sons and brothers made the sport of cabal and slander. They were willing enough to trust to the law and to the Articles of War, and to receive the decisions pronounced in the name of our gracious Sovereign with respectful submission; but it could not be for the interest of Her Majesty that men should be turned out of the Army without any fault having been proved against them. He had now to ask the attention of the House to a still graver case. He knew that it was not the fashion just now to express any doubt that recruiting was in a first-rate condition. He hoped that there was no doubt upon the subject; but if we were going to keep up our recruiting we must not allow cases of great and glaring injustice to become public, and no injury could be greater than, if he were correctly informed, that which he was now about to lay before the House.

After the Crimean War it was resolved that a larger number of commissions should be offered to men in the ranks than had formerly been the case—and, surely, after the abolition of Purchase no one would say that we ought to undo what we had done in that direction, because it afforded a great inducement to decent, well-bred, and educated men to enlist in our Army, and it should be our object to make every English soldier believe that he, as well as the French soldier, carried a Field Marshal's *bâton* in his knapsack. This was a life covenant that when a man had won the prize we would treat him fairly. The case he referred to was that of a man whose Petition was on the Table, and which last year he had glanced at with caution and reserve. William Hawtree entered the service of the Queen in 1846, at 19 years of age. So well liked was he that before 18 months he was made a corporal, before the end of three years he became a sergeant, and was thought so reliable a man that he was sent into Hertfordshire, his own county, to recruit, which he did with success. With the 96th Regiment, he was then sent to India, where he served for eight years. Without his knowledge, he (Mr. Torrens) wrote to his commanding officer, Colonel Cumberland, and the reply he received was a letter stating that he had no fault to find with him, and considered that he was, during those eight years, a most valuable soldier. Returning to this country, he was given charge of a medical station, and for two years acted so creditably in that capacity that the War Office, in consideration of his services and character, gave him a commission, and he was made captain of orderlies at the hospital at Southampton. For 10 years he had charge of that establishment, and during that time tens of thousands of pounds' worth passed through his hands, and no complaint was ever made against him. Unfortunately, the Control department was at loggerheads with the authorities at Netley, and Captain Hawtree wrote letter after letter, as was his duty to do, complaining on behalf of the poor sick fellows under his charge of the short weight and bad quality of the fuel and food furnished to the institution. He asked the Minister for War what became of those complaints, and whether they would be produced? Board after Board of Inquiry was held as to these

matters, and over and over again it was found that the weight and quality of the fuel and food were deficient. What was done? When numerous faults were found, and it was thought malversation was going on, two officers of the Control department were placed under arrest; but to balance the account the petitioner was arrested also, and that after 28½ years' creditable service, he was kept in illegal arrest without accusation or trial. A Court of Inquiry sat, before which he was never called. The result was that he was kept under arrest for seven months; and when at length he was released he found his place filled by another. Was that treating the man with common fair play? Was that the way to encourage men joining the Service, or to assure them that good conduct would meet with due reward? What was done with the other? One of the two officers of the Control department was tried by court-martial and cashiered. In the course of a few months Captain Hawtree would have been entitled to retire on full pay; but he was still kept on his allowance of 10s. a-day. After his release he was told to be in readiness for the West Coast of Africa; but on the news of the fate of King Theodore his services were not required, and he was called before a second Board of Inquiry, whose report the War Office had, but which he did not ask for. For his part they might do with it what they liked. Let there be a clear and impartial examination of the facts, and if he were wrong, he should not regret to find that he had been misled; but he could hardly school his features to the gravity of the occasion when he recalled the charges brought against this injured man. The pay of the orderlies varied from £4,000 to £6,000 a-year. There were 200 of them, and they were frequently sent long distances. Altogether, the accounts dealt with an amount of about £70,000. This officer of 28 years' standing was, however, called before a Board of Inquiry. Certain items were pointed out to him, and he was asked whether there were not errors in his accounts. He admitted that certain figures had been placed by a clerk in the wrong column. There were two days too much, amounting to 1s. 4d., charged in one case, and two days in another, making 2s. 3d. altogether; and this was at the end of an account extending over 10 years! There were two other items of

8s. in regard to men who were told off to go to Aldershot. Altogether, the errors of account amounted to 18s. or 19s., and these were the only items in which errors were found. He expressed his regret that his clerk should have made these mistakes; but for these errors of 19s. in accounts spread over 10 years, this friendless man was not tried, or convicted, or suspended, but actually gazetted out of the Army as a thief, and held up to the reproach of all who knew him. Suppose him even to have been guilty, were there no errors in the accounts of Government Departments or mistakes of more than 19s.? If there was something behind all this, why did not the Government disclose it? Why was it not proved? This officer had challenged the authorities to bring him before a court-martial and he (Mr. Torrens) now demanded that he should have a court-martial, before which he might be either cleared or condemned. If the War Office would not tell him what his fault had been, let there be a fair inquiry instituted as the authorities pleased. If there was no charge against him, or if they had no evidence to offer, in the name of justice, let the inquiry be held and the man be acquitted. This was not the only case which had been before the House. Some years ago more than one officer was, by the Horse Guards, compelled to go on half-pay against his will, because he could not find favour with persons in high quarters. One was Colonel Lothian Dickson; the second case he did not know much about; but the third was the case of Colonel Dawkins. He had been kept in arrest and suspended from his command on certain charges, and a Board of Inquiry sat. It was proved to their satisfaction that nothing had been done to justify his suspension, and he was informed that he might return to his duty. This was told him after he had been wrongly accused and kept under arrest. The Court recommended that he should be restored to his position in the Coldstream Guards. Colonel Dawkins warmly protested against the treatment he had received. The Horse Guards endeavoured to induce him to withdraw his indignant protest against the unfounded imputations brought against him but of one thing at least he was tenacious—his honour as a soldier and a gentleman—as a soldier and a gentleman, he could not stultify himself by making such an admission.

*Mr. W. M. Torrens*

He had served his country for 20 years, and had been decorated by the Queen and Emperor of the French for his services in the Crimea; and all he wanted was to be restored to his command without any imputation whatever. But the Horse Guards converted his refusal to withdraw his protest into a new offence, and another Board of Inquiry, consisting of five members, was constituted to inquire into Colonel Dawkins's supposed ineligibility for promotion. Instructions were, he believed, given to the Board to find, whether although there was then no vacancy, he was eligible to take a higher position in the Army. It was not stated to him when the Board was constituted that this was to be the object of their inquiry, and it was at least unusual to appoint a Board to inquire whether, if an officer should live for a few years, he should be eligible at the end of that time to hold a command. The Court of Inquiry came to an adverse determination in the case of Colonel Dawkins; but Sir Henry de Bathe differed from his colleagues, and believed that no charge affecting the honour or soldierly qualities of Colonel Dawkins had been sustained. Why, then, did he acquiesce in the judgment? For the same reason that Arthur Wellesley did in the Convention of Cintra—which was that he thought it his duty in the interests of the Service at the time not to set up his own opinion against that of his superior officers. Colonel Dawkins was told he must not resume his command, and in vain did he again and again demand that he should be brought before a court-martial. Let it not be said in this case that it was too late to do justice in some form. Let equal justice be done in both the cases he had just named, as it was in the case of a noble Earl whose name was mentioned by hon. Members sitting near him, but which he would not repeat, and who was re-instated because he had been wrongly removed. Without desiring to raise any question of Prerogative, and without desiring the House to pledge itself to any question of policy, he desired the House to accept his Resolution.

GENERAL SIR GEORGE BALFOUR seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Ma-

esty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the dismissal or removal from active service of officers of the Army under the rank of Major General, not incapacitated by bodily or mental infirmity, and who have not been allowed the option of being brought before a court martial,"—(*Mr. Torrens*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL ALEXANDER moved the Amendment of which he had given Notice—that to restrict the undoubted Prerogative of the Crown was neither wise nor expedient. He did so on the ground that the adoption of the Motion of the hon. Member for Finsbury would be virtually an infringement of that Prerogative, and it would, moreover, be fraught with mischief to the best interests of the Army and of the country. What was the Motion of the hon. Member? The Resolution was based upon two Bills to which the hon. Gentleman had alluded, and to which he alluded at greater length on a former occasion. Both were brought forward in 1734—one in the Lords by the second Duke of Marlborough, and the other in the Commons by Lord Morpeth, and their object was to prevent the removal of officers under the rank of Colonel of regiments, except after trial by court-martial or by Address from either House of Parliament. The introduction of these Bills lent a certain degree of plausibility to this Motion, and it might be asked why, if 62 Peers voted for the Duke of Marlborough's Bill, the House should not adopt this Resolution under the more enlightened and purer administration of the right hon. Gentleman the Member for Buckinghamshire. There was, however, no parallel between the cases of 1734 and 1875. The humane object of the Resolution was to protect friendless and nameless officers from oppression by an undue use of the Royal Prerogative. It was not implied that officers were liable to be removed now for their political opinions and actions. The removals which occasioned the debates of 1734 were due to political causes alone. Two great and distinguished Peers, the Duke of Bolton and Lord Cobham, were deprived of their regiments at a time of political excitement, because they did not vote for the Excise Bill of Sir Robert Walpole; and this, as Lord Stanhope



told us, was done by an unjustifiable stretch of the Prerogative. Lord Chesterfield surrendered his White Staff; Lord Clinton, Lord of the Bedchamber, was also removed. There was conclusive proof that at that time officers of the Army having seats in Parliament were expected to vote, not according to their consciences, nor even with their Party, but with the Crown; and General Wade, Commander of the Forces in North Britain, subsequently stated in a debate in this House that messages were sent to him threatening deprivation of employment if he did not vote straight, and that he did not care to have recourse to a court-martial, for the rather curious reason that there was a difficulty in getting a sufficient number of officers to serve upon one. At that time it was the practice to cashier officers who happened to be Members of Parliament for not voting with the Government. They all remembered the story of the military officer in the time of James II., who, having voted against the Court on a question of great importance, was accosted by the Minister thus—“Sir, have you not a troop of horse in His Majesty’s Army?” “Yes,” was the reply; “but my elder brother is just dead, and has left me £700 a-year.” In order to show the entirely political character of the events in those days, he might remind them that in the debate on Lord Morpeth’s Bill, Sir William Windham said—

“Let the merits of the officers in their military capacity be never so great, let their fidelity to their King and country be never so conspicuous, let their past services be never so meritorious, if they do not implicitly obey all the orders they shall receive from the Crown or rather from the favourite Minister of the Crown, if they do not submit to propagate the most slavish schemes of a projecting Minister, they may probably be turned out of their employments in the Army.”

Was there any parallel in these times to such a state of things? Was there any favourite Minister of the Crown now-a-days? Was it not perfectly immaterial to the Crown whether the right hon. Member for Buckinghamshire or the right hon. Member for Greenwich was at the head of the Queen’s Government, or could either be termed a “projecting” Minister in [the sense in which Sir William Windham applied the term? Lord Chesterfield said—

“There are now many military Members in both Houses of Parliament, and it has become

the prevailing opinion of late years that the only way of obtaining military preferment is by obtaining a seat in either House of Parliament;” and he added, “The only object of that Bill was that in future no Minister of State should have it in his power to say to any officer in the Army having a seat in Parliament, ‘Sir, you shall do so-and-so or starve.’”

A few years afterwards Pitt, “that terrible Cornet of Horse,” was deprived of his commission in the Blues because he voted against the Government. He need not say if such a policy was pursued in these days they would have been deprived of the means of carrying on those discussions which had been held on the Purchase System and the state of the Army, and the military advisers of the Secretary of State would have been reduced to the noble Lord the Member for Haddingtonshire (Lord Elcho) and the hon. Member for Hackney (Mr. Holms). The hon. Member for Finsbury in quoting the debates of past times was referring to a state of things which had entirely passed away—

“Tempora mutantur, nos et mutamur in illis.”

He was entitled to express his surprise that the hon. Member for Finsbury had not brought all ranks of officers within the scope of his Motion. Why did he draw this distinction between the different grades of officers? Why was the one taken and the other left? The illustrious Duke of Marlborough himself had been arbitrarily removed from his command—the Queen wrote with her own hand his dismissal, and his enemies resorted to every art, first to procure and then to justify his removal. It was said because the Judges were irremovable and held office *quamdiu se bene gesserint*, so should the officers of the Army be, except on conviction by a court-martial. But the cases were entirely different, for what similarity was there between Judges who ministered justice not only between subject and subject, but also between the subject and the Crown, and officers whose sole duty it was to obey orders emanating from the Crown through the Commander-in-Chief? Besides, when the great employers of labour and the Heads of Departments were allowed at their will and pleasure to dismiss those who did not come up to their standard of capacity, why should the Crown alone be debarred from that privilege? Courts-martial were not always looked upon in so favourable a light. The hon. Member seemed to be

Colonel Alexander

much in love with courts-martial; but they had not always been held in high esteem. Lord Westmoreland, for instance, had once declared that he would rather die by the bow-string of a Bashaw than be tried by a court-martial. Lord George Sackville had very little reason to thank the tender mercies of a court-martial. He had been dismissed by the Crown, but he applied for a court-martial; his request was granted; the court-martial convicted him; he was cashiered and was declared incapable of serving Her Majesty in any military capacity. This was for disobeying the orders of Prince Ferdinand of Brunswick at the battle of Minden. This Motion had been submitted to Parliament more than once. It was brought forward in 1808 by Sir Francis Burdett, who said there were persons whom it was hard to expose by courts-martial, but it would be harder still to retain them in the service. It was again brought forward in 1815, when Mr. Tierney vindicated the right of officers to be tried by courts-martial, because, having purchased their commissions, they were entitled to be protected in the enjoyment of them. Lastly, in 1823, when a similar attempt was made by Colonel Davies, Lord Palmerston, who was then Secretary at War, asked whether a man could be tried for want of talent. Could anyone conceive anything more ridiculous than that a commanding officer who had discovered the incapacity of a young subaltern should have to submit his judgment to a court-martial, upon which other young subalterns might sit? At the beginning of the present century five or six officers of the 85th Regiment brought several charges against their commanding officer, only one of which, and that a minor one, they were able to substantiate. The Court reported that in making these charges those officers were not actuated by regard for the public good, and His Majesty dispensed with their services. Insubordination, however, still continuing, His Majesty was obliged to dismiss every officer; and the regiment being re-officered, afterwards distinguished itself in the Peninsula and in America. A case had occurred in his own recollection, in which several officers were dismissed without trial for playing practical jokes of a very disagreeable character upon an unpopular brother officer. What would

have been the effect in those cases of trying those officers by courts-martial? Why, that every officer of the Court would take his seat with a bias in favour of the accused. Again, in 1823 it was sought to make capital out of the fact that from 1795 to 1823 some 929 officers had been dismissed without trial. But Lord Palmerston pointed out that in almost in every case these officers had been suspended for absence without leave. No doubt, cases of hardship occasionally occurred, and Lord Palmerston admitted that in regard to Caulfield, Captain of the Navy, the Crown had been improperly advised; but might not the Crown be wrongly advised in the exercising the Prerogative in other matters—as in declaring war, making peace, or dissolving Parliament? The case of Sir Robert Wilson had been mentioned. He maintained that that officer was not improperly removed. Sir Robert Wilson told the Life Guards at Queen Caroline's funeral that they were disgracing themselves by firing on a crowd. He had nothing to do with the troops, being in plain clothes, and was guilty of interfering with troops not under his command. The hon. Gentleman disclaimed any intention of doing away with Prerogative. But the Motion, if carried, would assuredly have that effect—as might be inferred from the answer of Lord Chancellor Cowper, who being asked by Queen Anne whether it would be illegal for her by patent to make the Duke of Marlborough Commander-in-Chief for life, thus limiting her own Prerogative, replied—"I do not know whether such a patent would be illegal, but I know it would be unconstitutional." Similarly, he believed, this Motion of the hon. Gentleman to be unconstitutional. He was certain it would obtain no sympathy from the right hon. Gentleman at the head of the Government who, in a debate on a kindred question in 1855, said he was not inclined to take a pedantic view of the Royal Prerogative, or uphold the dogma that it was too strong, as he would rather see the influence of the Prerogative increased than diminished. It was said, that we were unlike other countries in this respect. If so, so much the better. It was very seldom that we could boast of anything original; then, when we had got it, for Heaven's sake let us keep it, especially when, being original, it was also good. Believing as

he did that the Royal Prerogative was never, on the whole, more judiciously exercised, and that the Motion was both uncalled-for and inopportune, he hoped the House would reject it by a decisive majority.

SIR PATRICK O'BRIEN rose to address the House, but—

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

SIR PATRICK O'BRIEN proceeded to say that he did not understand the hon. Member for Finsbury to have alleged the existence of any political corruption in the matter; and doubted whether hon. Members were advancing the interests of the Army by perpetually calling the attention of Parliament to alleged grievances.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

SIR PATRICK O'BRIEN proceeded. He did not intend to address himself to the general question of whether or not courts-martial were pleasant tribunals, but rather to call attention to some personal hardships that were within his knowledge. He denied that there was any analogy between the case of a military officer dismissed from the service and that of a railway employé dismissed by his employers, because there was no career open to a military officer on his dismissal from the Army, whereas a man who had been discharged by a railway company might obtain some other employment. A gallant Friend of his who became a cornet in 1826, and who had served 32 years in India, came to this country in 1853 on 10 months' leave in consequence of illness, which leave was granted on a medical certificate. On his arrival in England he read, to his surprise, a notice in *The Gazette* that he had been dismissed from the Army with a pension of £400 a-year. He had a wife and family, and that was the small allowance that was granted to him after he had spent the greater portion of his life in the unhealthy climate of India. If he had not been thus removed from the Army, he would have been entitled to a bonus of £4,700, and would also have had a chance of promotion. He had no right of appeal. The hardship was even greater in the case of the Indian officers

than the officers at home, for these had the Secretary for War, the Commander-in-Chief, and public opinion to support them, and he hoped to hear from the Government some explanation of the case he had referred to.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. STEPHEN CAVE said, he had some reason to complain of the hon. Member who had moved this Resolution, because he had not only made a speech wide of the Resolution itself, but he had concluded with a Motion which was not that on the Paper. He had moved for a Royal Commission to inquire, not into the general question, but into the cases to which he had referred. He thought that it would have been very much better if the hon. Member had given Notice of the particular cases he was going to bring forward, because there might then have been some means of answering him satisfactorily. He denied that the Government had admitted last year that the Motion was a reasonable one, provided a sufficient number of cases was adduced in support of it. They objected to it then on principle, and they did so now. He did not deny that cases of hardship might have occurred, and he had no wish to stand in the way of reparation: nor did he object to such cases being brought before the Great Inquest of the nation, where the Secretary of State could answer for himself; but he did not admit that the House was a proper tribunal for deciding such matters. He would not go into all the historical cases which the hon. Member had brought forward. The Army had been wholly changed since the earlier cases he mentioned had occurred. When the Secretary for War had stated that he wished to give the scheme of his Predecessor a fair trial, surely this part of the scheme of his Predecessor ought to have a fair trial too. If there was one thing which was contended for more than another by Army reformers it was that supersession and not promotion by seniority was to be the rule. The hon. Member seemed to have forgotten his own Motion, which was that officers below the rank of Major General were not to be dismissed without Court Martial, for he had brought forward, in illustration of his

, Colonel Alexander

demand, the case of the Duke of York, and that of an Admiral of the Navy. It was not fair to bring forward single cases; he did not admit the accuracy of the statements made, and there was no means of testing them on the spur of the moment. He had no doubt the hon. Member had given what he believed to be a true representation of each case; but it must be remembered that these cases were episodes, single instances in men's careers, and therefore they were not to be considered fair samples of general administration. It was quite impossible in some instances that courts martial could have been held. How could a court martial consider whether a man's intellectual and moral capacities were sufficient, and whether his bodily health was good? Yet these were matters which the hon. Member wished to be brought before a court martial, which was really a Court of Criminal Jurisdiction. This question was fully debated last year and in 1865, and he was not about to repeat the arguments which had then been used. He was surprised to hear a Motion brought forward from the other side of the House in favour of individuals at the expense of the public and of privilege at the expense of the Service. Would it be tolerated in the Civil Service or in any other employment that a man could not be got rid of unless he had committed some crime? He would not allude to individual cases of supposed wrong, because if such cases existed they ought to be brought forward, not as an Amendment to going into Committee of Supply, but in the form of a Vote of Censure against the Secretary of State for War, who was superior in such matters to the Commander-in-Chief. As a rule, a Court of Inquiry was a much more fit tribunal to try the cases that came before it than a court martial would be. Courts martial could not try the state of a man's health, nor want of qualification, nor offences which were neither civil nor military. Employers had often to make up their minds in cases where the evidence would not be sufficient to obtain conviction in a Court of Law. In his opinion, a Court of Inquiry was a very merciful institution in many cases, by protecting an officer from having his character taken from him simply by private report. To sweep away the system on account of a few hard cases arising

under it would be most unwise and most unstatesmanlike; while, on the other hand, it would not be right to protect inefficiency for the sake of preserving a theory. It would be absurd to say that no man should be prevented from commanding a regiment unless he had committed some military crime. A man and his friends always thought that he had been illused when the decision of the authorities had gone against him; and it could not be said that the individuals who complained the most of their treatment were friendless men, many of them being of the highest rank and influence in the country. Hard cases made bad laws, and it would not do for the House to allow itself to be influenced by the statement that in a few instances hardships had been endured under the system. It was impossible that the Commander-in-Chief could maintain the discipline of the Army unless some such power as that referred to was given. The charge which had generally been brought against the military authorities was that they had acted the other way, and had kept in high positions men who were inefficient. He was surprised to hear hon. Members who were usually so careful of the finances of India now proposing that they should be burdened with enormous pensions to incompetent men, who were already retired with pensions due to their rank. This question ought to be left to the Executive, who had a most disagreeable duty to perform, unless, indeed, the command of a battalion was again to go by seniority, or the appointment was to be vested in the House of Commons. His Royal Highness the Commander-in-Chief was most unwilling to exercise the arbitrary power that was intrusted to him, and when he had been pressed by the Army Organization Committee to select officers for the command of regiments, he had declined the responsibility, but surely he ought to have a veto. Some time since His Royal Highness had told the Army Purchase Commission that the exercise of the power of retiring officers must be backed by public opinion. The Commander-in-Chief, therefore, was the last man to exercise the power oppressively, but if he did he was under the Secretary of State, who was responsible to that House and might be censured for his conduct. The hon. Member was not alone in de-



siring that we should have a contented Army. He believed that so far from this prerogative causing discontent in the Army, it had been felt in more than one case, not by Englishmen only, but by foreigners who observed closely, that it had been the means of preserving the honour of the British Army, and that its just and resolute exercise had given relief and satisfaction to every class of officers. Under these circumstances, he must offer his humble but very earnest opposition to the Motion of the hon. Member.

GENERAL SIR GEORGE BALFOUR rose to address the House; but—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter  
before Twelve o'clock, till  
Monday next.

## HOUSE OF LORDS,

Monday, 7th June, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Metropolitan Police (Surgeon, Clerk, &c. Superannuation)\* (134); Pier and Harbour Orders Confirmation (No. 2)\* (135), and referred to the Examiners.

*Second Reading*—Sale of Food and Drugs (112); Customs and Inland Revenue\* (126); Pier and Harbour Orders Confirmation (No. 3)\* (107); Post Office\* (116).

*Committee—Report*—Parliament of Canada\* (96); Justices (Dublin)\* (118).

*Report*—Bankruptcy (Scotland) Law Amendment\* (133).

*Third Reading*—Church Patronage (131); Falsification of Accounts\* (125), and passed.

## COMPETITIVE EXAMINATIONS (NAVY AND ARMY).

### ADDRESS FOR PAPERS.

THE EARL OF POWIS (for Lord STRATHNAIRN) moved that an humble Address be presented to Her Majesty for—

“Copies of any official papers relating to the advantages or disadvantages of competitive examinations for the navy or any other department of the Government at home or abroad; and Copies of a letter from the Government of India to Sir Hugh Rose, when Commander-in-Chief in India, requesting him to submit to them his opinions on the question of education of candidates for first commissions in the army,

*Mr. Stephen Cave*

and his answers, which they approved; and for, Copies of a letter from the Government of India.”

THE DUKE OF RICHMOND said, that, without wishing to cast any blame on his noble Friend who had moved the Motion, he must express his opinion that a Motion for Papers of such importance should not have been made without some explanation of the grounds on which they were asked for. If his noble and gallant Friend (Lord Strathnairn) had been present and had moved for the Papers himself he should have felt constrained to refuse the production of those referred to in the first part of the Motion. These Papers were of an extremely complicated description; they were very voluminous, and they were mixed up with matters of a very confidential character. A great deal of time and trouble would be required in the work of eliminating from the whole mass those documents which might properly be laid on the Table and those which ought not to leave the Office. As regarded the examinations for the Navy, he was informed that all the information on that point which the Papers now asked for would afford was to be found in the Report of the Royal Commission which had recently been presented to both Houses of Parliament. There was no objection to the latter part of the Motion if the words “which they approved” were struck out. On this point the Papers would speak for themselves.

Motion amended and agreed to.

Address for “Copies of a letter from the Government of India to Sir Hugh Rose, when Commander-in-Chief in India, requesting him to submit to them his opinions on the question of education of candidates for first commissions in the army, and his answers.”—(*The Lord Strathnairn.*)

### SALE OF FOOD AND DRUGS BILL.

(*The Lord President.*)

(NO. 112.) SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF RICHMOND, in moving that the Bill be now read the second time, said, that the Bill, which had come up from the Commons, was not a very long one, though its provisions were of considerable importance. The first of the Acts directed against the adulteration

of food was passed in 1860. Its object was to protect consumers from adulteration in food and drink. The Act did not answer the expectations of those who introduced it. In the first place, it left the appointment of analysts optional, and it did not apply to drugs. This latter defect was amended by the Pharmacy Act of 1868, which, as regarded penalties for adulteration, placed drugs in the same category with food. In 1872 the Acts of 1860 and 1868 were amended. By the Act passed in 1872 penalties were imposed on the manufacturer of adulterated articles as well as on the retail dealers; and it also required that the seller of the adulterated article should make known at the time of the sale what the article contained. It also contained a provision directed to making the appointment of analysts compulsory and giving the Local Government Board a power of action in the matter. Since the passing of the Act, analysts had been appointed in a great number of places; but in many others there had been no appointment of analysts, owing to the difficulty experienced in small places of securing the services of gentlemen competent to fill the post of analyst. It was, no doubt, known to their Lordships that on the part of retailers there had been very general complaint that injustice was inflicted on them owing to the provisions of the Act of 1872 rendering them responsible for adulterations not made by them and of which they had had no knowledge. In consequence of numerous memorials presented urging these complaints Her Majesty's Government last Session consented to the appointment of a Select Committee. That Committee sat and took a great deal of evidence, and the Bill now before their Lordships was based on its Report. The Committee reported that considerable hardship had resulted to retailers in consequence of their having been punished for adulteration over which they had had no control, and selling adulterated articles which they believed to be pure. It recommended, among other things, that the defendant, in proceedings for selling adulterated articles, should be allowed to give evidence as witnesses, and the Bill gave effect to that important recommendation, enabling the defendant to tender himself and his wife to be examined on his behalf. The Bill made it

an offence to mix any foreign substance or liquid with any article sold as food or a drug, so as to render it injurious to health or to affect its quality. For the first offence a penalty of £50 might be imposed, and every offence after a conviction for a first offence was declared a misdemeanour punishable by imprisonment for six months with hard labour. The adulteration must be injurious in order to subject the defendant to such consequences. The mixing with an article of any foreign article merely for the purpose of rendering it more palatable or portable was not to be an offence, provided the person selling it labelled the fact of the mixture in the article to be sold. Under the existing law there was no penalty for abstraction from the ingredients of which an article was composed. Thus it was no offence to abstract the cream from milk or to abstract essential oils. The Bill dealt with abstractions as well as with additions. It contained another provision, which was that the seller of the adulterated article might plead in court that it had been warranted to him as genuine, and gave him power to proceed against the wholesale dealer and to recover from him the amount of penalty and costs which he might have been subjected to by his default. As regarded analysts, it enabled small districts to combine together so as to employ an analyst to act for them jointly. It provided that no one engaged in retail trade should be appointed an analyst; and it provided that when proceedings were about to be instituted, one portion of the article should be left with the intended defendant, that another should be given to the prosecutor, and that a third should be handed to the analyst. Both the defendant and his wife might give evidence; and if the skill of the local analyst were called in question there might be a reference to Somerset House for the purpose of further analysis. Power was given to the Custom House officers—whom the Select Committee thought to be quite capable of making the necessary examination—to report on the question of adulteration of tea on its arrival in this country from China. The Bill would repeal all former Acts and consolidate the law with reference to adulteration. It might be satisfactory to their Lordships to know that the Select Committee made this observation at the close of their Report—

"In conclusion, it might be some consolation to the public to know that in the matter of adulteration they are cheated rather than poisoned."

He begged to move the second reading.

*Moved*, "That the Bill be now read 2<sup>a</sup>."—(*The Lord President.*)

THE EARL OF MORLEY ventured to think that the Act of 1872 had proved of very considerable benefit to the community. At the same time, he agreed with the Select Committee that it was very desirable to avoid vexatious interference with the conduct of business and to remedy any injustice and unfairness in the way in which the law might be put into operation. Therefore, he quite approved the provisions made to protect retail dealers from vexatious prosecutions and from any possible unfairness in respect of analysis and in respect of proceedings which might follow the making of the analysis. They must be careful, however, not to weaken the securities against adulteration—they must not forget that purity of food was as important as purity of air and purity of water. He concurred in thinking that a consolidation of the law was advisable; but there were certain expressions in clauses of this Bill which, he ventured to submit, would require careful consideration in Committee. He thought the word "knowingly" would cause great difficulty in the working of the Bill, and that the words "prejudice of the purchaser" would also cause embarrassment. The proposal to enable districts to join together for the appointment of an analyst he regarded as a very desirable one. The Select Committee had recommended that the appointment of analysts should be compulsory; and he thought it would be necessary to alter the clause by making it more compulsory than it now was.

LORD REDESDALE suggested that in Clause 7 providing protection for the dealer who should sell a mixed article if he affixed a label stating that the article was "mixed," it would be well to introduce words requiring the seller to state what it was the article was mixed with, and what was the percentage of the foreign ingredient.

LORD COTTESLOE believed that it was beyond the power of the Custom House officers to examine efficiently every

packet of tea that came to the country; and if they did it in a perfunctory way it would be unsatisfactory and lead to further complaints.

THE DUKE OF RICHMOND said, that the clause on the Bill with reference to the inspection of tea was founded on the opinion of the Chairman of the Board of Customs.

Motion agreed to; Bill read 2<sup>a</sup>, and committed to a Committee of the Whole House on Friday next.

#### CHURCH PATRONAGE BILL.

(Nos. 12-79-122-131.)

(*The Lord Bishop of Peterborough.*)

THIRD READING. BILL PASSED.

Order of the Day for the Third Reading, read: The Queen's Consent signified.

*Moved*, "That the Bill be now read 3<sup>a</sup>."—(*The Lord Bishop of Peterborough.*)

VISCOUNT PORTMAN once more protested against the passing of this Bill. It was a measure that would do no credit to their Lordships' House—it touched merely the fringe of the subject, and yet was sufficient to depreciate the property of many persons without doing any service to the Church. He was prepared, if necessary, to compare the exercise of the patronage of private patrons with that of public patrons, and to maintain that private patrons were the best friends of the Established Church. He hoped the Bill might not pass through the other House of Parliament.

VISCOUNT MIDDLETON protested against the unfair attacks made by noble Lords on the other side against the principle of the Bill and the manner in which the measure had been misrepresented by several noble Lords opposite. It had been spoken of as if it were a Bill brought forward by the Episcopal Bench in a spirit of hostility to the laity, and had been forced upon the House by the action of the Bishops. But noble Lords who made the charge forgot that the Bill had been framed on the recommendations of a Select Committee of their Lordships, which was largely composed of laymen, and that all the important recommendations had been passed by that Committee by large majorities. It was only by an accident the Amendment proposed a few nights ago by the most

*The Duke of Richmond*

rev. Primate had not been adopted by that Select Committee. Allusion had been made in the debates on this Bill to a depreciation of the property, consisting of Church patronage, in lay hands, but could the sale of a cure of souls be spoken of as we spoke of the sale of a house or of land? The only way in which property in advowsons could be regarded was as property impressed with a trust. He, in common with large numbers of the clergy and laity of the Established Church, had long felt that the law as it at present stood was utterly inadequate to meet the evils with which the Bill was intended to deal. Had he wanted any proof of that it would have been supplied by two instances which had come under his own observation within the last six months. In one case the patron, who was more mindful of the ties of kindred than of the welfare of the parish over which he was proposed to preside, presented a near relative of his own, of intemperate habits, in the face of a protest on the part of the parishioners; but the Bishop of the diocese, though he was not unwilling, was yet unable to act in the matter; he was utterly powerless to interfere. The other case was one of next presentation, which was sold in such a manner that, as the law at present stood, it was impossible for the Bishop or any one else to have taken exception to the clerk presented to the living, though the sale in every sense contravened the spirit of the law. He hoped that when the Bill reached the other House it would meet with the success it deserved.

THE DUKE OF SOMERSET denied that noble Lords on that side of the House had treated this Bill in an unjustifiably severe manner—on the contrary, he thought they had behaved very well towards its principle. They had not retorted upon the right rev. Prelates when very strong remarks were made about the exercise of lay Church patronage. They might have retorted by referring to cases in which the sons and sons-in-law of Bishops had been instituted in a very curious manner—they might have referred to one instance, when testimonials were in question, the Bishop said—"The father is a better judge of the qualifications of his son than anyone else;" and the testimonials were cast aside. Notwithstanding what had been said by the noble Viscount who had just addressed the House, he contended that

noble Lords on the Opposition side had behaved with great moderation. They had only spoken in disfavour of the Bill on those points where they believed it would tend to damage the interests of the Church; and they had not divided in any case except where the Lord Chancellor and Government divided with them; and if on that occasion the right rev. Bench was defeated it was defeated by the good sense of the House.

LORD COLCHESTER believed there was a necessity for a change in the law, and that the removal of the abuses with which this Bill was intended to meet would be for the interest of the Established Church. There was a manifest distinction between the sale of a next presentation and the sale of an advowson; and he thought, in the case of the former, something should be done, in the interest of private patrons themselves, to remove the abuses which at present existed in it. As to the argument that it would be unwise to attempt to deal with the interests of private patrons because of the support which they would give if any attempt were made to overthrow the Establishment, he believed that the removal of any existing defects in the law on that subject would help to strengthen the Church, and all private interests depending upon the Establishment.

EARL NELSON felt it to be incumbent on him to say a few words in explanation of his vote the other evening. On a former occasion, as member of the Committee, when he voted for doing away with the sale of next presentations, he did so believing that proper compensation would be given; but on looking further into the matter he saw reason to change his mind, and the result was that he voted the other night against the Motion of the most rev. Prelate. His reasons for doing so were these. It seemed to him that to pass the bare measure then proposed would not have the effect of removing the scandals which all of them wished to see removed, and that it would be necessary for them to consider whether they were prepared to go further and interfere with the sale of advowsons. After that they would find they must go further still. The only consistent plan was one which had been proposed to the Committee by the right rev. Prelate who ruled over the diocese of Exeter—



namely, that all private patronage, except that which was directly connected with landed property, should be purchased by Boards for the various dioceses, and in future be vested in them. This proposal, however, was almost unanimously rejected. Perhaps nothing could tend more to reduce the Church to mere mediocrity than a system of patronage Boards. Another course was open, and that was to place all the livings at the disposal of the Bishops; but this would have the effect in time of giving a mere party character to the dioceses. Therefore, they would be reduced to the only other alternative — that was giving the presentation to the parishioners. It could not be maintained, however, that that course would remove the sentimental grievance of which so much was heard. The complaint would still be raised by the minority—who might be numerous—that the cure of their souls was committed to one who was not of their choice.

THE ARCHBISHOP OF CANTERBURY: My Lords, I am extremely anxious that this Bill should go before the other House and before the country without any misapprehensions; and I am constrained to say that the longer the subject is discussed the misapprehensions increase. The first misapprehension is that the noble Lord who has just addressed the House (Earl Nelson) seems to suppose that somebody has made a complaint of being ill-used. Certainly, my right rev. Brother the Bishop of Peterborough has no reason, to make such a complaint. There never was a Bill better treated than this Bill has been by your Lordships' House. It was read a second time without a division, and I hope will now be read a third time without a division. Moreover, it was passed through Committee without any material alteration. I hope, therefore, that any misapprehension there may be as to the Bill having been unfairly treated will speedily disappear. But that is not the end of the misapprehensions. It appears to be supposed that this is a clerical Bill, as opposed to the laity. Now, my Lords, I do not think that there is any man in this House who has a higher opinion of the excellent way in which lay patronage is generally administered than I have, and I believe that the opinion which I hold is shared by my

*Earl Nelson*

right rev. Brethren who sit behind me. I think there has been in the debate on the Bill some danger to lay patrons, but I do not think that that danger has arisen from any proposal emanating from my right rev. Brother or any Member of the Episcopal Bench. It was remarked by one of my right rev. Brethren, in commenting on a speech of a noble Friend of mine (Lord Houghton) who sits opposite, that many speeches of that kind might be dangerous to the Established Church. I confess I do not share that apprehension. It seems to me that it would be dangerous, not to the Church but to lay patronage, if the peculiar views expressed in that speech, and of which we have heard a few echoes from other parts of the House, were to prevail. Were your Lordships to strain the rights of lay patrons as some noble Lords would wish you to strain them, it seems to me that you would be taking the surest course to destroy lay patronage altogether. In my own mind I am fully convinced of the great value of lay patronage, and therefore I desire to see it maintained on the proper grounds, and to help to remove from it any of those evils which in the lapse of time are sure to arise in all ancient institutions; and it is with that intention that I and my right rev. Friends have introduced this measure of which your Lordships have so strongly approved. On the last evening when this measure was under discussion, it was remarked that the division which occurred on the Amendment which I proposed was of a peculiar character, all the occupants of the Bishops' bench voting one way and all the lay patrons the other. It so happened that several noble Lords who were not ecclesiastical Peers, and who were favourably disposed to the Amendment, were not present on that occasion; but the Bishops, being here to do their duty, recorded their votes in accordance with their convictions. I am bound to say that had there been a very full House I do not suppose that the result of the division would have been different, because I think there is little doubt that your Lordships' House is not prepared at the present moment to do away with the sale of next presentations. It is only right that I should state that the Bishops feel strongly upon this subject, because they have peculiar facilities for ascertaining what the sentiments of the laity

of their various dioceses are with regard to it. We necessarily mix much with the laity of all classes. It is our privilege to mix with those who are great landed proprietors and the distributors of lay patronage throughout the country; and we also mix with the different churchwardens and with large masses of persons in the middle classes who are not the proprietors of this sort of patronage, and we attach very great importance to the feelings of the great middle class of this country on this question. Therefore, it may perhaps occur to those who have taken an opposite view to ourselves in this matter that we are at least as well informed with regard to the opinion of the laity on the question as they are. I hope and trust that whatever may be thought of this Bill "elsewhere," it will not for a moment be supposed that it is a clerical Bill opposed to the wishes of the laity. I have maintained from the first that patronage is a trust, and that the Legislature is bound, so far as possible, to remove everything attaching to it that seems to countenance an opposite view—namely, that it is merely private property—a light in which some noble Lords appear inclined to regard it. In conclusion, I have to thank the House for the way in which they have received this measure, and to express my hope that, whether the Bill passes through the other House of Parliament this Session, or whether it is lost in the press of Public Business, the debates in this House with regard to it will not have been altogether useless, inasmuch as they will prove that the right rev. Prelates are anxious that lay and clerical patrons alike should exercise their patronage under a deep conviction of their responsibility, and are desirous of maintaining lay patronage freed from the blots which at present disfigure the system.

LORD WAVENEY shortly addressed their Lordships, but his remarks were imperfectly heard.

LORD HOUGHTON expressed his regret that anything should have fallen from him in the course of the debates upon this Bill which could be regarded as being in any degree hostile to the right rev. Prelates. It must, however, be remembered that so large a question as the Church Establishment admitted of many different views being taken of it. It was, however, in his opinion,

doing no good service to the Establishment to be continually bringing before the public any small defects which were naturally incident to the working of so vast a machine. He had taken the unpopular view of this question, and, no doubt, most of the great Dissenting bodies in the country would agree with the right rev. Prelate who had introduced this Bill. He could not but think that a Bill which came before their Lordships and was now the law of the land affecting another portion of the United Kingdom had a great deal to do with encouraging the agitation which had arisen against lay patronage; for that Bill had hardly passed before Bills for the modification of private patronage were brought forward in the House of Commons. He had already said he believed that the Bill would be injurious to the Church. It evidenced a profound distrust of lay patrons, and threw as much impediment as possible in the way of the exercise of such patronage. It did so by providing a sort of popular appeal on the appointment of every clergyman, making privileged all communications received by the Bishop on the subject of the presentee—which were, in fact, very little better than anonymous letters—and by assuming that the persons to be presented would be in many cases improper persons to appoint. For his part, he had always set his face against any notion of privileged communications. They were encouragements to the worst and meanest actions of mankind, and he certainly never expected to see a right rev. Prelate introducing a Bill which invited anything so degrading in its nature. Again, the Bill abolished what were called resignation bonds, by which a clergyman, properly examined and inducted, took charge of a living until a person in the family who was considered fit to hold it was in a position to do so. By those means the connection between the family and the landed estate and parish was maintained, and fit employment was given to a certain number of very excellent clergymen who from accidental circumstances did not occupy any particular cure. What injury, he asked, could result from an arrangement of that kind which had been so long recognized?

LORD OVERSTONE thought that the debate had taken a range wide of the question before their Lordships. He

was a Member of the Committee which sat last year to consider the entire subject, and the Bill was founded strictly upon their Report. The Bill which their Lordships were now called upon to pass in no way touched the question of the sale of advowsons or next presentations; the provisions of the Bill were directed exclusively to the object of strengthening the hands of the Bishops and enabling them to discharge effectually the duty of inducting to the spiritualities of a living those persons only who were fully and properly qualified in all respects for the due and efficient discharge of the duties of the office. He hoped therefore that the Bill would go to the other House of Parliament with the cordial concurrence of their Lordships.

THE BISHOP OF PETERBOROUGH said, that he had little to add to what had been said so ably and in so conciliatory a spirit in support of the Bill. He would only say as to the principle of the measure that if the principle were laid down that the sale of benefices—the transfer of the right of patrons—should be free and unfettered, in the same degree they should strengthen the safeguards which from the very first the law gave to the Bishop for the purpose of guarding against an improper exercise of that patronage. Therefore, the more fully the sales of advowsons and next presentations were allowed the more fairly and righteously, he thought, might the Bishops—who were, after all, trustees in this matter for the laity of the Church of England—seek at their Lordships' hands power to discharge that duty which the law gave them to discharge—a duty which was not that of vetoing the appointment of any patron, but simply of ascertaining the fitness of the person he presented, and of doing so at their own proper risk and cost. The Bishop's power to act was the power, not of vetoing, it was simply the power of objecting. It was once said of the autocracy of the Emperor of Russia that it was an absolute monarchy limited by assassination. The Bishop, according to the law of England, had the power of objecting limited by costs, and he did not think that power was a dangerous one to place in the hands of the Bishop. Before he sat down he wished to give the noble Duke opposite (the Duke of Somerset) a distinct assurance that he had never said that the Bill had met with unfair

opposition either from the side on which the noble Duke sat or on any side of their Lordships' House. On the contrary, nothing could be more fair, more straightforward, and in every way more courteous than the opposition which was led by the noble Viscount (Viscount Portman). And nothing could be more indulgent and considerate than the manner in which their Lordships had allowed him to trespass upon their attention in respect of a matter in which he felt, and had felt, so very deep an interest. He could not allow the Bill to leave their Lordships' House without once more thanking them for the very great fairness, courtesy, and kindness with which they had treated both the Bill and the author of it.

Motion *agreed to*; Bill read 3<sup>d</sup> accordingly, and *passed*, and sent to the Commons.

House adjourned at Seven o'clock,  
till To-morrow, half past  
Ten o'clock.

## HOUSE OF COMMONS,

*Monday, 7th June, 1875.*

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Statute Law Revision\* [199]; Court of Admiralty (Ireland) Act (1867) Amendment\* [200].  
*Second Reading*—County Courts [156]; Lunatic Asylums (Ireland)\* [189]; Ecclesiastical Commissioners (Fen Chapels)\* [173].  
*Committee—Report*—Savings Banks, &c. [146-198].  
*Considered as amended*—Intestates Widows and Children (Scotland)\* [109]; Saint Paul's Cathedral (Minor Canonries)\* [179].  
*Third Reading*—Public Health\* [157], and *passed*.

## CAPE OF GOOD HOPE— SOUTH AFRICAN DIAMOND FIELDS.

### QUESTION.

SIR JOSEPH M'KENNA asked the Under Secretary of State for the Colonies, Whether he can explain the cause of the delay in presenting to the House the Correspondence in connection with South African Affairs and the occupation of the Diamond Fields?

MR. J. LOWTHER: I was in hopes, Sir, that these Papers would have been

*Lord Overstone*

already in the hands of hon. Members; but I am sorry to say I was somewhat too sanguine in forming that expectation. The state of the case is, that although the Papers are in a forward state of preparation, it is necessary to complete them by the addition of despatches not yet received, without which the nature of some important transactions cannot be understood. The Papers will not be unduly delayed, but no precise time for their presentation can at this moment be named. A despatch, however, having an important bearing upon the affairs of the Diamond Fields will be immediately distributed.

**METROPOLIS—HYDE PARK CORNER.  
QUESTION.**

**LORD ERNEST BRUCE** asked the First Commissioner of Works, Whether he can give any positive promise when the improvements in the traffic at Hyde Park Corner, according to the model now for some time exhibited before Parliament, will be commenced; and, whether the First Commissioner finds any serious difficulties in any other department of the Government, in the way of carrying out an improvement which becomes every day more and more a public necessity?

**LORD HENRY LENNOX:** Sir, from the tenour of the noble Lord's Question, I hope I may consider that he approves the scheme for relieving the traffic at Hyde Park Corner, which is pointed out in the model now exhibiting in the Conference Room; and I am happy to assure the noble Lord that the drawings are all ready, and that as soon as the scheme has been approved by the House of Commons the road will be commenced at once. With regard to the second part of the Question, I can assure the noble Lord that it is quite true that I met with serious difficulty. The difficulty I have met with, however, was not in the direction he appears to suppose, but in finding the proper gradients for a road which shall effectually relieve the present block in Piccadilly.

**CORRUPT PRACTICES ACT—PARLIAMENTARY ELECTIONS ACT.  
QUESTION.**

**MR. BUTT** asked the Secretary of State for the Home Department, What

course he intends to take with reference to the renewal of the Corrupt Practices Act and the Act for the trial of Election Petitions, and the recommendations of the Select Committee?

**MR. ASSHETON CROSS**, in reply, said, that the Report of the Select Committee had been only recently agreed to. If there was any prospect of a general agreement on the subject, there would be no difficulty in dealing with it this Session. Such an agreement was, however, scarcely to be expected, and, therefore, as at present advised, he thought the best course to adopt would be to give hon. Members ample opportunity to see and digest the Report, to pass a Continuance Bill, and to call the attention of Parliament to the subject next Session.

**INDIAN CIVIL SERVICE.—QUESTION.**

**MR. LOWE** asked the Under Secretary of State for India, Whether, in accordance with the intention expressed in the letter of the Indian Government of October 30th, 1873, that Government has arranged—

“With the different administrations a systematic rule of procedure whereby the preferential claims of civilians shall be brought forward and considered by the Government of India whenever an office falls vacant for which civilians are eligible, and to which no other officer has his superior claim by reason of seniority, local standing, or special qualifications.”

And, whether he will lay such arrangement before the House? He should also like to know, whether there is any objection to have the matter referred to a Select Committee?

**LORD GEORGE HAMILTON:** Sir, we have not yet received from the Indian Government these rules of procedure; but there will be no objection to lay them upon the Table of the House when received. The Viceroy has directed a special inquiry to be made into the subject, which is one of no little difficulty, and cannot be very quickly settled. It would not, in the opinion of the Secretary of State, be expedient to appoint a Select Committee to inquire into the matter, inasmuch as it is one which requires for a satisfactory settlement a minute and thorough local knowledge of the wants and peculiarities of the different administrations concerned.



ELEMENTARY EDUCATION ACT—THE LONDON SCHOOL BOARD.—QUESTION.

LORD HENRY THYNNE asked the Vice President of the Council, Whether his attention has been called to a statement in "The Times" of Thursday last,

"That in the case tried yesterday at the Guildhall it was stated the London School Board when applied to by the police to compel certain boys to go to school refused, stating 'they were too low for Board schools,' and that officers spent their time in looking after children of respectable parents who did send their children to school, and neglected the very class for whom the Act was passed ;"

whether that statement is true, and whether the Government propose to take any steps in the matter ; and, whether it is true that the School Board paid salaries amounting to £26,000 a-year to these officers whose duty it is to see that the poorer class of children attend school ?

VISCOUNT SANDON : Sir, I must remind my noble Friend that I have no authority whatever to direct or control a School Board in any way in the exercise of the powers conferred on them by Parliament for compelling the attendance of children at school. The case in question, I need hardly say, had attracted my attention, and I have observed with much satisfaction the reply given on Friday since my noble Friend placed his Question on the Paper, by the School Board officers at the Guildhall respecting the assertions attributed to the police, which not unnaturally excited my noble Friend's interest. That reply appeared fully to satisfy the magistrate before whom the charge against the School Board was originally made, and I have since been favoured with a communication from Sir Charles Reed, the Chairman of the Board, informing me of the investigation into the case immediately made by them, which, so far as my present information goes, completely confirms the statements of the School Board officers ; at this moment also a letter has been placed in my hands from the City Police Office, stating, by direction of the Commissioner, that—

"No such applicatton (as stated in the Question) had been made by the police, and that consequently no such answer as that quoted was ever given to them."

My noble Friend will excuse me if I say that we have probably more means than

many hon. Members of the House of knowing the indefatigable labours of members of the London School Board in considering carefully in their own divisions, case by case, the circumstances and excuses of the parents who refuse to send their children to school, and when I say that we believe that it is mainly owing to their judgment, care, and consideration that hitherto the action of the compulsory bye-laws, which must unfortunately in many cases occasion for the time considerable and grievous hardship, has given rise to so little irritation in a vast and varied population as that of London, the House will well understand that we feel it our duty to support the Board firmly in this course. As to the last part of the Question, I beg to say that I am informed by the School Board that the number of visitors is 201, of superintendents of visitors 10, and that the salaries of all these officers amounts to £19,000 per annum.

METROPOLIS—THE THAMES EMBANKMENT—THE NATIONAL OPERA HOUSE.—QUESTION.

COLONEL BERESFORD asked the honourable and gallant Member for Truro, Whether it is not the fact that the space originally let by the Metropolitan Board of Works to the parties whose tender was accepted, and afterwards acquired by Mr. Mapleson for a consideration of £10,000, or thereabouts, for the purposes of the National Opera House, contained about 42,466 superficial feet ; whether the ground now at Mr. Mapleson's disposal for building purposes, taking into account the recent concession of the Metropolitan Board as to advance of building frontage, but excluding the two roadways, one on either side, does not comprise about 47,816 superficial feet ; and whether, consequently, Mr. Mapleson is not now in possession of an additional area of 5,350 feet, or, if the area of the two side roads continued from the building frontage to the Embankment be deducted, even then 2,350 feet ; whether if, as recently stated, in reply to a Question in this House, no consideration is to be paid for this increased accommodation, it will not practically be given at the expense of the ratepayers of the metropolis ; whether the area recently conceded is not more valuable than that

originally let, by reason of its better position in relation to the Thames Embankment, and if its value will not be further increased by the two side roads proposed to be made; whether 40 feet is not the minimum width of roads under the Building Act; and, if he could state to the House what reason was given by Mr. Mapleson for his inability to purchase the two houses in Cannon Row, and whether any steps were taken to ascertain the accuracy of his statement?

SIR JAMES HOGG: Sir, before answering the hon. Member, I must express my surprise and regret that, without waiting for my reply, he has thought it right to prejudge the question in his letter which I read in *The Times* of to-day—a course which I think is a most unusual one for a Member to take. ["Order."] I think so. As regards the consideration stated to have been paid by Mr. Mapleson to the parties whose tender was originally accepted, the hon. Member appears to have information not possessed by me. I know nothing of such a consideration. I have had the facts again carefully looked into and the areas measured, and I am informed that the space originally let was 59,733 square feet. That let to Mr. Mapleson was precisely the same, only, in consideration of his giving up land for roadways, it is proposed to allow him to advance his line of frontage. The roads are to be extended to the Embankment, and will occupy 11,920 square feet, while the additional area available for building purposes is only 11,560 square feet; so that, as I explained in my former Answer, Mr. Mapleson actually cedes 360 square feet. Under these circumstances, I cannot see that the ratepayers will suffer loss by the altered arrangements. As regards the value of the land, I may state that the original tender was in excess of the valuation of the Board's architect, and the Board has every reason to believe that the land is now let at a fair rental. Even if its value should be increased by the side roads, which is a matter of opinion, this will be fully compensated for by the additional public convenience. As to the width of the roads, it is true that 40 feet is the usual width of roads intended for carriage traffic; but if the hon. Member will refer to Sec. 99 of the Metropolis Local Management Amend-

ment Act, 1862, he will find that the Metropolitan Board of Works possesses a discretionary power. I have to add, in reply to the last portion of this very long Question, that the Board was informed that Mr. Mapleson was unable to obtain the two houses in Cannon Row. In conclusion, I must repeat what I said on the former occasion—that if the alteration had not been made in the disposition of the land, it would have been necessary to build the Opera House sideways to the Embankment, by which the architectural effect would have been greatly impaired, and the Board was naturally anxious to secure the erection of a building which should be an ornament to the Embankment and a credit to the metropolis.

COLONEL BERESFORD gave Notice that in consequence of the unsatisfactory nature of the Answer he had received he would, on the Motion for going into Committee of Supply on Friday, the 18th instant, again call attention to the subject, and move a Resolution.

#### INDIA—NIZAM STATE RAILWAY, HYDERABAD.—QUESTION.

SIR GEORGE CAMPBELL asked the Under Secretary of State for India, with reference to an advertisement offering the guarantee of His Highness the Nizam of Hyderabad for the payment of six per cent. interest on money to be raised in this country, Whether, under the provisions of 37 Geo. 3, c. 142, s. 28, Her Majesty's Indian Government has accorded to any British subjects a consent in writing to this transaction; whether the Indian Government has in any degree become responsible for the payment of the money guaranteed; and, whether there is any ground or any expectation that, in the event of the Nizam at any time failing to pay, the Government of Her Majesty will interfere to cause payment to be made; or whether parties who advance money on the credit of the Nizam do so entirely at their own risk, the Nizam not being liable to be sued for a debt in any British Court?

LORD GEORGE HAMILTON: Sir, the Secretary of State for India has been advised that, taking into consideration all the circumstances connected with the formation of the company in connection with which the Nizam of Hyderabad has guaranteed the payment

of 6 per cent interest on money raised in this country, there is no danger of any of the contingencies referred to in the question of the hon. Baronet occurring.

SIR GEORGE CAMPBELL said, that on Thursday next he would ask for the production of the opinion which the Secretary of State had received as to the legality of the transaction in question.

ARMY — THE VOLUNTEERS AND THE  
MILITIA—RETIRED RANK.  
QUESTION.

SIR FREDERICK PERKINS asked the Secretary of State for War, Whether Militia officers desirous of retiring with their rank will be allowed to reckon previous service in the Volunteer force?

MR. GATHORNE HARDY, in reply, said, it had been decided that service in the Volunteers should not be allowed to reckon for honorary rank on retirement from the Militia.

PARLIAMENT—BUSINESS OF THE  
HOUSE.—QUESTIONS.

MR. NEWDEGATE asked the Prime Minister, Whether he would propose that the House should sit at two o'clock the next day?

MR. DISRAELI: Sir, in reply to my hon. Friend, I would venture to hope that the House will sit at 2 o'clock to-morrow.

MR. WHALLEY asked the Prime Minister, Whether he would give him the same assistance that he had recently given the hon. Member for Stoke in bringing forward a somewhat cognate subject, that of Contempt of Court? The conduct of Her Majesty's Judges in this matter was the subject of much complaint, for Petitions signed by nearly 400,000 persons had been presented in reference to it. The Question was on the Paper on Friday last; he did not wish to make any complaint, it did not become him to make any complaint. ["Order!"]

MR. SPEAKER said, the hon. Member was at liberty to make any explanation which might be necessary for the clear understanding of his Question, but not to enter upon any general discussion.

MR. WHALLEY said, he was most anxious to confine himself to such few

words as were necessary. This was a matter of equal importance to that which called forth the assistance of the right hon. Gentleman on a former occasion, and the circumstances of that Motion must be present to the minds——

MR. SPEAKER said, the hon. Member was not at liberty to allude to the circumstances of the Motion. That was quite irregular.

MR. WHALLEY said, he would content himself with asking the right hon. Gentleman, whether he would afford him any direct assistance in bringing that Motion before the House; and, if not, whether he would give him an assurance that, if it were put down for Friday week on going into Committee of Supply, he would render the assistance of the Government, not only in making a House, but in keeping a House?

MR. DISRAELI: Sir, we shall feel it our duty to make a House on Friday, in accordance with the understanding that prevails; but whether we can keep a House will depend a great deal upon what is said, and, of course, I cannot undertake to enter into any engagement on that head. With regard to the general inquiry of the hon. Gentleman, I can only say that when all the Government business is concluded, I shall feel it my duty and a pleasure to study the convenience of every individual Member.

ARMY—THE FOOT GUARDS AND THE  
LINE REGIMENTS.

QUESTION.

COLONEL MURE asked the Secretary of State for War, Whether it is true that an Order, or recommendation in any shape, has been issued from the Army authorities to Officers commanding Line regiments of Infantry to induce or encourage the men under their command to volunteer to the Foot Guards?

MR. GATHORNE HARDY, in reply, said, he had to inform the hon. and gallant Member that no Order had been issued as represented in the Question; but as certain regiments of the Line were considerably in excess of their establishments, the commanding officers of the regiments of Guards were informed that there was no objection to their communicating privately with the commanding officers of such Line regiments to know if any of their men, of the standard height, would volunteer to serve in the Guards who were below their strength.

*Lord George Hamilton*

## SAVINGS BANKS, &amp;c., BILL—[BILL 146.]

(*Mr. Raikes, Mr. Chancellor of the Exchequer,  
Mr. William Henry Smith.*)

COMMITTEE. [*Progress 27th May.*]

Bill considered in Committee.

(In the Committee.)

MR. CHILDERS, in rising to move, as an Amendment, in page 3, line 42, to leave out all after "direct" to "account," in line 43, and insert—

"Be placed to the following accounts respectively (that is to say) to the Old Savings Fund Account, the Post Office Savings Fund Account, and the Friendly Societies Savings Fund Account,"

said, the object of his Amendment was a very simple one. The proposal of the Government was, that all the monies which stood to the credit of the different accounts connected with the old Savings Banks, the Post Office Savings Banks, and the Friendly Societies should be thrown into one account, and that Returns were to be in future made to Parliament and the public, in which the liabilities of the Government, through the National Debt Commissioners, to the trustees of the old Savings Banks, to the depositors in the Post Office Savings Banks, and to the trustees of Friendly Societies, would be shown on one side, and the assets in respect of those three separate accounts would be lumped together and shown on the other side. In his humble opinion, the proposal of the Government should not be carried out—first of all, because it was fatal to the principle upon which public accounts were kept. Ever since the financial reforms of 1829, in all branches of the public accounts, the rule had been maintained with great strictness to let each account take care of itself, and not mix up different accounts, so that it would be out of the power of the Government to state in what position each separate account stood. That was a canon of finance as to which he had never heard a doubt expressed, until the Chancellor of the Exchequer came down this year and deliberately proposed to muddle the Savings Banks Accounts; and what he (Mr. Childers) proposed was to insert words under which they might have, if they liked, one general account rendered to Parliament, containing three distinct parts, so that the House should be able to know whether

the operations of the old Savings Banks Fund were during the year on the credit or debit side, and also with regard to the Post Office Savings Banks Fund and the Friendly Societies Fund. In the Returns he saw that there was a considerable deficiency, and it was on that Return that the proposal had been made. In 1874, the excess of interest paid by the trustees of the Savings Banks, over and above the interest received from the National Debt Commissioners in respect of the old Savings Banks, was £61,000, and that relating to the interest on the Friendly Societies account amounted to £50,000, making a total of £111,000. It was stated to the House, as one of the justifications of this proposal that the Government had a surplus of £7,000 over and above £118,000. In reference to the deficiencies generally, it appeared that in November, 1873, there was a deficiency on account of the old Savings Banks of £3,234,000, and at the same date a deficiency in the case of the Friendly Societies of £1,146,000, making a total of about £4,380,000; whilst in November, 1874, the deficiency on account of the old Savings Banks was £3,364,000, and in the case of the Friendly Societies £1,168,000, making a total of £4,532,000, being a difference of about £170,000 between the aggregates at the end of each financial year. That, however, was not the whole of it, for in the interval the price of Consols and other Government securities had so increased that, as regarded the amount invested, there was a difference of £45,000 to be added to the £170,000; so that the total loss on the year was £215,000, not £111,000, as had been stated. A combination of all those accounts would render it impossible to account for discrepancies, and it was as a means of preventing such a state of things that he proposed his Amendment.

Amendment proposed,

In page 3, line 42, to leave out all the words after the word "direct," to the word "account," in line 43, and insert the words "be placed to the following accounts respectively (that is to say): to the Old Savings Fund Account, the Post Office Savings Fund Account, and the Friendly Societies Savings Fund Account."—(*Mr. Childers.*)

THE CHANCELLOR OF THE EXCHEQUER said, he was not quite sure that he understood what his right hon. Friend the Member for Pontefract (Mr. Childers)



intended to be the effect of his proposal that these accounts should be kept separate. His right hon. Friend said it would be very unsatisfactory to him if the Government muddled up the accounts of the Post Office Savings Banks, the old Savings Banks, and the Friendly Societies, and that to do so would be perfectly contrary to all the principles that had been laid down for a great number of years on the keeping of Government accounts. Well, in the first place, if they were to keep everything separate, he (the Chancellor of the Exchequer) wanted to know why they should not keep the account of each savings bank separate, because the position in which each separate savings bank stood was very different, and if it was unfair to lump the Savings Banks established under the old system with the Post Savings Banks, he should be inclined to demur to the savings bank at Exeter being mixed up with some other savings bank which perhaps did not stand in so satisfactory a condition. The right hon. Gentleman said the Government must not muddle things together. But what had been done in the case of the Friendly Societies for a considerable number of years? The depositors in the Friendly Societies were allowed interest at the rate of 3*d.* a-day, then 2½*d.* a-day, and latterly 2*d.* a-day. It so happened that 3*d.* was a losing rate, that 2½*d.* was a losing rate, but 2*d.* was a profitable rate. Yet for many years, ever since the 2*d.* rate was established, it had been the practice to muddle up those different accounts and keep them all together. And all he (the Chancellor of the Exchequer) proposed to do was that the Government should keep the accounts of the different funds over which the Government was the banker in one account. The right hon. Gentleman said it was contrary to public policy to mix up accounts together. Well, he (the Chancellor of the Exchequer) thought it was a principle which had been recognized for many years, that you should keep accounts together as much as you could. He had heard the right hon. Gentleman the Member for Greenwich say frequently, that it was undesirable to keep a number of small balances at your bankers; that it was far better to concentrate them and keep them together. That was the reason why the accounts of the paymasters were kept together,

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and the same principle he (the Chancellor of the Exchequer) thought would apply to these accounts. On some of these accounts, the Government was a gainer, and on others it was a loser, and it would be to the interest of the Government to keep them together. The whole hypothesis was, that they had made a bargain with certain depositors, and had said to them—"We will take care of your money for you, and allow you a certain rate of interest upon it. As long as we keep our bargain with you, that is all you have to do with, and we will make the best use we can of the money which is placed in our hands." The question was, whether they were to use the money in a profitable or in an unprofitable manner? That was a matter which he was quite prepared to discuss. But to say that they were to perpetuate a system which was in itself unprofitable to the Government, merely because the results would be less self-evident appeared to be a monstrous proposition, and unless better reasons could be given why they were to sacrifice financial convenience and a proper method of keeping accounts, he must persist in his scheme. With regard to the question of the deficiency, he did not know that he was prepared to go minutely into the question which the right hon. Gentleman had raised. All he could say was that the account to which the right hon. Gentleman had called attention, and which was presented on the 21st of May, was an accurate and true account, as he (the Chancellor of the Exchequer) was informed, of the aggregate interest which had accrued to the National Debt Commissioners up to the 31st of December, and of the amount of interest which had been paid. He admitted there was a slight inaccuracy in it, because what was called "interest paid" should have been written "interest accrued." But that did not affect the argument.

MR. GOSCHEN said, it was very evident that the general object of the Bill was on this, as in several instances of other measures, very different now from what it was represented to be in the earlier stages. ["No, no!"] It had been stated that it was simply a measure for the simplification of accounts; but it now appeared to be a matter of much greater consequence, because he maintained that the Chancellor of the Exche-

quer was about to take out of the hands of the House of Commons every means of ascertaining how these accounts stood. Was this a simplification of accounts, or was it not rather a paying off of Debt? He contended that, as a matter of fact, there was no contract on the part of the Government to pay depositors in the old Savings Banks £3 5s. per cent, and he believed that the matter might be managed more satisfactorily than in the way proposed in the Bill. The time might come when we might be able to pay depositors in the Post Savings Banks more than £2 10s. interest. But if this measure was passed, it would be impossible to do so, because they would never be able to say on what accounts they were gaining and on what losing money. They must not be diverted from the general purport of the Bill by a representation that it was a mere matter of account, for serious principles were involved, and he therefore thought the Amendment would not only enable them to detect what defects had occurred in the past, but also to prevent defects in the future.

THE CHANCELLOR OF THE EXCHEQUER said, the best way would be to grapple with the whole question at once, and in order to do so he would first take the case of the old Savings Banks, with respect to which the Government were virtually under a contract with their trustees, by which the trustees were bound to invest their money with the National Debt Commissioners, the Government undertaking to allow them £3 5s. per cent. It was true that if the Government could not make £3 5s. per cent they would be at liberty to say they must reduce the rate; but there was no reason for reducing the rate, when a larger amount could be obtained. The amount made by the Government at present was £3 7s. per cent, which left a margin of 2s. to cover the cost of working. But it was argued, and it was true that a deficiency existed, due to certain mistakes made by the Government in dealing with the funds in their hands, and it was said that the Government were also liable to serious losses because a run by the Savings Bank depositors might necessitate the sale of Stock when the Funds were low, while the investments had been made when the Funds were high. There was, however, no reasonable danger that such a state of things could

arise. The year 1847, which had been referred to, was one of peculiar trial—there was the Irish Famine, commercial distress, and agitation both at home and abroad. [Mr. GLADSTONE: That was in 1848, not 1847.] Well, the remark was applicable to both the years 1847 and 1848. He had asked the Department for information on this point—"How much has ever had to be sold out to meet a drain at the worst of times?" And, as it seemed to be necessary to be very particular upon this question, he would give the exact date to which the answer referred—namely, between October 1847 and October 1848. That was the Savings Bank year; and the most considerable drain on the Savings Bank fund occurred during that was period, when £3,189,000 of Stock sold for £2,683,000 in money, being at an average of 82½, and the capital loss was reckoned at about £250,000. It was said that that sort of thing might occur again. He denied that it could occur again. If there was double that drain it might be met, because you now had a totally different system of banking. Instead of having nothing but Consols to invest in, you had now by the wise policy devised by his right hon. Friend (Mr. Gladstone) and carried out by the present Prime Minister, invested the Savings' Bank funds in Terminable Annuities as well as in Consols. Besides this, under another system introduced by his right hon. Friend, large sums had been lent out to the Irish Church Commissioners, which sums were coming back every year. From £5,000,000 to £7,000,000 a-year were now coming in in this way without selling Stock at all. The action of the Terminable Annuities had entirely prevented the necessity of any sale of Stock for the purpose of payments to the Savings Banks, and the same protection would exist up to 1885 at all events. In 1874 the cash income of the Commissioners upon securities held on account of these funds, excluding the amount paid in by depositors was over £3,000,000. The income on investments upon the amalgamated fund would be over £5,000,000; and now that the payments from the Irish Church Commissioners were coming in, it was probable that the repayments would reach no less than £7,000,000. If that was the case, the danger upon which so much stress had been laid was

entirely extinguished. The annuities would be coming in periodically, and would be more than sufficient to meet the demands of depositors, and a surplus would always be available for the purchase of Stock. With regard to the accumulated deficiency, it was suggested that the proper mode of wiping it out was by reducing the interest paid to the Savings Bank trustees. He did not see why the interest should be reduced. The deficiency was not due to the action of the Savings Banks. It was due, to a certain extent, to the action of the Government, to the use by former Chancellors of the Exchequer of the funds at their disposal, because until the time of his right hon. Friend they kept up a system of banking which led to the vicious result that you had to sell out Stock at a loss when there was a drain by the depositors. The right hon. Gentleman opposite (Mr. Goschen) had expressed alarm that it might happen that these investments might lead to an increased price. But that did not apply to that particular case, because it was founded on the assumption that, at that time, Consols would be low. He could not understand how, at the same time, Consols could be high and low.

MR. GOSCHEN explained that his idea was that there would be a double process.

THE CHANCELLOR OF THE EXCHEQUER said, that the annuities were coming in periodically, and they would be much more than sufficient to meet the demands made without there being any necessity for selling stock. There was, however, an accumulated deficiency. So far as regarded the action of previous Chancellors of the Exchequer, many of them had used these funds for the purpose of completing financial operations for the benefit of the country. Mr. Goulburn had sold Savings Bank Stock at a low price, and bought it again when the price was higher. That process was resorted to in order to promote an operation which was for the advantage of the nation, but still it added to this Savings Banks deficiency. The question now was how were they to deal with that deficiency. The right hon. Gentleman the Member for Greenwich had admitted that they ought not to let it alone, for he had endeavoured years ago to extinguish it, and had created 24 millions of book debt instead of 24 millions of

Consols. But the misfortune was that he had not, in fact, extinguished the deficiency, or they would not be in their present difficulty. He (the Chancellor of the Exchequer) believed that the right hon. Gentleman thought he had extinguished it; but if that had been so, instead of a deficiency, there would have been a surplus for the present year of £40,000, and, if so, it was clear there had been a miscalculation. Were they, then, to call on the trustees of the old Savings Banks to make up for the miscalculation of the right hon. Member for Greenwich in 1863? But it was said the putting of those funds together would be injurious to the Post Office Savings Banks, about which right hon. Gentlemen opposite appeared to be so sensitive. He believed the Post Office Savings Banks to be most excellent institutions, and he as well as his noble Friend (Lord John Manners) was desirous in every possible way to further their development. That was a matter with which they would be prepared to deal at the proper time; but the question of that financial deficiency ought not to be mixed up with the subject of Savings Banks reform. He denied that what they were doing would impede such a reform. Even as regarded the old Savings Banks he was not sure that the law did not require to be made clearer as to their right to separate investment; and he was satisfied that the Post Office Savings Bank system would admit of considerable development. But that ought not to be done by being unjust to the trustees and depositors of the old Savings Banks. The old Savings Banks had been the pioneers and the apostles of providence among the people, and they had done and still did a distinct and an excellent work, which probably could not be done by the Post Office classes. They touched Banks which might not be willing to invest in the Post Office Savings Banks. If it could be shown that they were receiving more than the state could pay them on their own account, apart from a deficiency arising from no fault of theirs, it might be reasonable to say that they could not afford to give them that rate of interest. But he maintained that they could afford to give it, and that, there being other modes of meeting the deficiency, they ought to give it. It might be argued that

*The Chancellor of the Exchequer*

they ought to make a grant out of the Consolidated Fund; but the Government having in their hands a sum which they could use towards meeting that deficiency, without injuring or breaking faith with anyone, it would be unwise and unnecessary to make grants out of the Consolidated Fund for that purpose. He thought that the system submitted by the Government was fair to all parties. It did no injustice to the old Banks or to the new Banks, and he thought it would be a very convenient and decided improvement on the old system.

SIR JOSEPH M'KENNA said, he would remind the Committee that the surplus from the Post Office Savings Banks was only an apparent profit made by the State, and expressed the opinion that if an investigation were made into the cost to the State of the duties performed in connection with those banks by the Post Office officials, together with the proportionate charge for rent and other expenses, it would be found that they had made an equally fair and prudent bargain in allowing £3 5s. per cent to the trustees of the old Savings Banks, who discharged all those functions for themselves, as they did in allowing £2 10s. per cent to the Post Office Savings Banks. He further said that this discussion was carried on overlooking the fact that the official labour of the Savings Bank Department was nearly gratuitously performed by the Post Office. No step had ever been taken to apportion the actual cost of service between the banking and postal departments. Some charge was, no doubt, made to the Savings Bank Department by the Post Office, but it was so insignificant that it could only be justified on the ground that it was a good policy to nurse these institutions at the cost of the State, which principle, if it were a sound one, would equally apply to other Saving Banks. The profit apparent at foot of the Post Office Savings Bank account was simply a return of a portion of the cost of working them. It afforded no ground for raising the rate of interest allowed to the depositors in these Banks, as some hon. Members seemed to think.

MR. GLADSTONE: I do not think that on the present occasion we can discuss the question as to the relation between the two different rates of interest,

and I must content myself with entering my protest against the arguments used by the Chancellor of the Exchequer on the subject. I will put aside some suppositions of my right hon. Friend, which appear to me to be entirely visionary, and in which, by a strong effort of the imagination, he fancied himself contending against doctrines that he assumed were those of his opponents, but that I have never heard them uphold, and that—so far as I can gather from communication with them—they are entirely innocent of entertaining. For example, he appealed to the humanity and the equity of the House when he said—“For heaven's sake do not call on the depositors in the old Banks to liquidate these enormous deficiencies.” No doubt, they are not responsible for the deficiencies, and on that point he has made a strong case. Any person who laid down such a doctrine would prove himself to be a man totally incompetent to deal with public affairs, and one in regard to whom his friends had better inquire as to his capacity for dealing with his own private affairs. But I submit that there is no more effective way of darkening matters, than by raising up questions as to the terms of contract between these old Banks and their depositors. What is the nature of my contract with my banker, or yours, Sir, with your banker? That of the depositors in question is precisely the same, and what we are bound to do is to pay them at the rate agreed upon up to the present time, and not to make any change without giving them reasonable notice. But to set up the terms of contract as applicable to the future for any considerable length of time is really—without using strong language—most preposterous; and the Committee ought not to suppose that our hands are tied—any more than our understandings should be darkened—by any consideration of the kind. All these matters, however, had better stand over. Only I would like to correct one thing in regard to myself. My right hon. Friend—with that liveliness of imagination which is always to be distrusted in a Minister whose business it is to deal with figures—said I had calculated on supplying the deficiencies on account of the Savings Banks. I never did anything of the kind. There is not a syllable of evidence in my words in support of that doctrine, and I object to



its being supplied even by one whom I respect so much as my right hon. Friend. Now, the speeches of my right hon. Friends (Mr. Childers and Mr. Goschen) dealt with a question which, while more limited than the one which might be raised on this question, is not unimportant. It is in strictness a question of account, but under this technical name there are often concealed considerations of a great public importance, touching the good management of our finance at large, and what is higher and more weighty—namely, the constitutional control of the House over national receipt and expenditure. In that view I venture to present this subject to the House, and I affirm that the three following objections are applicable to the proposal before us for the amalgamation, or, as I should call it, the confusion of those three classes of accounts. In the first place, it is a proceeding which is retrogressive; in the second place, it is irremediable; and, in the third place, it is adverse to Parliamentary control. On a former occasion, when I referred to it as being retrogressive, some hon. Gentlemen opposite felt themselves touched in their Conservative principles, and thought that the fact of its being retrogressive conclusively indicated that there must be something good in it. They came to the conclusion that it must be intended as a remedy for some of the mischiefs caused by the galloping career of Liberal Governments. I can assure such Gentlemen that there are no grounds for that view of the case. There is nothing of a political character in this matter. There has not hitherto, so far as I am aware, been any disagreement between Parties as to the principles on which public accounts should be regulated. The process of putting them on a proper footing has been a long and a very painful and difficult one. Even now it is not complete, and my right hon. Friend the Chancellor of the Exchequer seems to exult in the fact. You talk about muddling—and when my right hon. Friend accused my right hon. Friend beside me of using it hastily, he forgot the high authority on which the word was originally introduced. The Chancellor of the Exchequer says we have already muddled up the accounts of good and bad Friendly Societies, and he seemed delighted that he could show a grand precedent of muddling up. But

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the reason for those accounts being muddled up is, that in reforms we can only proceed from point to point. There has, however, been hardly a year in which some branch or other of the public accounts have not been put on a right instead of a wrong footing. The process has so far been carried on by successful gradations, and I confess it has annoyed me a good deal to find that we have now made a question of contention of that which until the present time all Parties, all authorities, all politicians, have been agreed on—namely, that accounts ought to bear their own responsibilities—that they should, in short, bear their own surpluses, and be saddled with their own deficiencies. Now, I distinctly challenge contradiction, when I say that this is a process which has been going on these many years. It began mainly with the service of that most distinguished and admirable public servant Sir William Anderson, and with Sir James Graham when that right hon. Gentleman was at the Board of Admiralty; and it has been going on ever since, slowly perhaps, but steadily, until we are now invited to make a little experiment in the way of reversal. I will not repeat the saying of my right hon. Friend (Mr. Childers). It has not been answered; it cannot be answered. The Chancellor of the Exchequer has himself conclusively shown that when those accounts are thrown in hotch-pot, and investments and sales made in common, it will be impossible to arrive at any decision as to the real state of the accounts of each of these different branches; and therefore we are justified in saying the system is irremediable. No doubt, the right hon. Gentleman would object to the word irremediable; he would call it an irreversable improvement. Certainly, however, it will not be practicable to charge on each of these branches, their respective responsibilities; their whole concerns will be thrown into one, and each will be responsible for all. My third objection is that it will prevent Parliamentary control. Now, why have we been clearing up these accounts? Not from any love of arithmetical precision; but because these servants of the public to whom I have referred were aware, and the House of Commons agreed in the belief, that this was the true method of securing proper Parliamentary control. It is impossible to get

Parliament to enter into elaborate details. It is difficult even to get a handful of Members with leisure and public spirit enough to give themselves the trouble of dealing with these accounts in Committee. Therefore, simplicity of procedure, so far as possible, is the essential condition of true Parliamentary control. Go over the countries of Europe, and I do not think you will find any one of them has an effective Parliamentary control. I speak, at all events, of the large countries, and the reason is, that they have not had the experience we have had, and they have not had the time or the opportunity of going over the long, painful, and almost interminable process of arranging details by which alone a proper system of accounts could be arrived at. It is absolutely necessary, if the House of Commons is really to pass a judgment on these subjects, one by one, that they should have pecuniary results presented in an intelligible form. They are so presented so long as you make reasonable separation of accounts; but if you are determined to mix up systems totally distinct—if not even contradictory in the principles on which they rest, you are not only neglecting a system of great merit, but you are doing your best to darken the view of Parliament on the monetary affairs of the country, and much to weaken that great medium of Parliamentary control. What are the reasons given by the Chancellor of the Exchequer? He advanced two. In answer to my right hon. Friend the Member for Pontefract he said—"If you go so far, you ought to go a great deal farther. You ought to provide not only that the accounts of the old Savings Banks should be kept apart from the accounts of the Post Office Savings Banks, but that the accounts of each old Savings Bank should be kept apart from each other old Savings Bank." He says that we are bound to distinguish between a well-managed Savings Bank in Exeter and another—say in No Man's Land—where it was very notorious that the concern had been very ill-managed. Does he really think that that argument will hold? We are to draw a distinction between the old Savings Banks and the Post Office Savings Banks, because in their relations with the public they are founded on totally different principles. But is that a reason why we should separate from the Savings

Bank at Exeter the Savings Bank at No Man's Land, when in the face of the public those Savings Banks are founded on the same principles? However well the bank at Exeter is managed, and however badly the bank at No Man's Land is managed, we shall never pay them a farthing more than £3 5s. [The CHANCELLOR of the EXCHEQUER: There is a separate surplus fund.] Yes, but the separate surplus fund is only a drop in the ocean in comparison with the great magnitude of the transactions carried on, and the interest of the public in it is infinitesimal. Why am I to trouble the House by representing to it the respective merits and proceedings of all the Savings Banks of the country, when the public has no direct concern in the management of the Savings Banks. The principle of severance is a good and a sound principle, and my right hon. Friend is not likely to act upon it in an extravagant manner. The only great distinction the public is interested in is the distinction between the working of two principles so different in their working and effects. If my right hon. Friend thinks there ought to be still more division and classification than we desire, let him consider it freely, and whatever he determines upon will receive from this side of the House, I have no doubt, a very favourable consideration. As to the argument of my right hon. Friend, I own that I heard it with surprise. He says that if we keep each account separately, it will be a great expense to the public; and he claims for the measure he proposes the merit of economy. I venture to say that there is not the weight of a single feather in that claim. If the accounts are to be kept separate, sums of money necessarily considerable must be kept separate in each account. That is his argument, and he says—"Throw these three balances into one. Then I shall be able to work with a smaller balance, and consequently to achieve economy." It may be desirable to bring these balances together; but how do we proceed with regard to the great public expenditure of the State? Do we confuse together the surpluses and the deficits of the Army expenditure, the Navy expenditure, and the Miscellaneous expenditure, in order to realize the advantages of one balance? That is the only plea he has to advance for the proposition before the House. He

is well aware that the whole of the advantage is obtained and none of the inconvenience is encountered by the simple provision introduced into the Paymaster General's Office, by having one drawing account. I hope I have made myself intelligible upon the subject. It is one on which I do not intend to say I entertain any doubt, or that any man can entertain a doubt who is conversant with public receipts and payments. A practical improvement might be introduced into the National Debt office, and one that would not require in the slightest degree this strange confusion of accounts which my right hon. Friend is now inviting the House to adopt. My right hon. Friend the Member for Pontefract has taken measures for placing the responsibility upon the right shoulders: it is at present the proposal of the Government, but it must be settled by the House, and it is right that the House should bear the responsibility of this singularly retrogressive step. It will, however, be infinitely more satisfactory if my right hon. Friend the Chancellor of the Exchequer shows that he is disposed to reconsider the matter. I, at all events, shall deem it to be my duty to record my vote in accordance with the views which I have just expressed.

MR. GOLDNEY maintained that the proposal of the Chancellor of the Exchequer was to accomplish the very object which the right hon. Gentleman (Mr. Gladstone) said ought to be effected—namely, the keeping of the accounts of different institutions separate. When the right hon. Gentleman said that each different class of society dealt with should bear its own responsibility, he (Mr. Goldney) would reply that the responsibility was with the Chancellor of the Exchequer, who invested the funds. The Government had taken upon themselves the duty of bankers in this case, they had entered into certain contracts with depositors, and they undertook to pay them a certain rate of interest just as the large joint-stock banks did. He (Mr. Goldney), however, had long been of opinion that all matters of this kind should be self-supporting, and he believed that would be the result under the Bill.

MR. FAWCETT said, the Chancellor of the Exchequer had adopted a somewhat unusual course with regard to the

proposal of the 'right hon. Gentleman the Member for Pontefract, for in a very off-hand way he had scarcely taken the trouble to reply to it, but all he said was, that it was a monstrous proposition. A few minutes afterwards, however, the views of the right hon. Gentleman seemed to have undergone an entire and fundamental change upon the point. He then thought the proposition so important, that he went over points which raised the principle of the Bill and which ought to be discussed upon the second reading. The speech of the right hon. Gentleman was a curious comment upon the conduct of the Government, and he (Mr. Fawcett), as an independent Member, agreed with the right hon. Gentleman the Member for Greenwich that, as the principle of the Bill had again been raised, they should have another opportunity of discussing it upon the Report. He protested emphatically against certain opinions and doctrines which the Chancellor of the Exchequer had endeavoured to fasten on those who opposed the Bill. The Government seemed to wish to make the country believe that those who opposed the Bill were hostile to the old Savings Banks, and wanted to injure them in order to benefit the new Savings Banks. There was nothing to justify such an assumption. All that they contended for was, that the one set of depositors should not receive a halfpenny more, nor the other set a halfpenny less, interest than the country could afford to pay, because if they did receive more, the country generally would have to be taxed to give an advantage to a special class. The depositors in both the old Banks and the new should receive alike, for there ought to be no partiality whatever shown to either. The Chancellor of the Exchequer wished further to confuse the issue by saying that the opponents of the measure desired to injure the old Savings Banks by reducing the interest because of the existence of this deficit, which had arisen from no fault of the Government. Such was not the fact, but quite the contrary. All they wished to do with regard to the deficit was to take steps to get out of it, and the only way in which they thought the existence of the deficit should affect the interest paid to depositors was, that it should cause careful inquiry to be made as to how it had arisen, and as to what rate of inte-

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rest could be paid in future without loss to the public. He would point out the injustice which the Chancellor of the Exchequer wished to inflict upon the depositors in the Post Office Savings Banks. The right hon. Gentleman had a right, as the property of the State, to take the £800,000 and deal with it; but he (Mr. Fawcett) contended that the deficit for the future should not be made up from the profits of one particular class at the expense of the other. The Government defended this mixing up of the accounts on the ground of its being convenient and profitable to do so; but the public had to be considered as well as the Government, and the House should see that every facility was given to enable them to exercise a better control over these Departments in future. The proposal of the right hon. Gentleman the Member for Pontefract was that by keeping the accounts separate the House would be in a better position, in future, to judge of the true financial position of these Banks, and the rate of interest that ought to be paid.

MR. J. G. HUBBARD said, he also differed from his right hon. Friend the Chancellor of the Exchequer in this matter. He had on a former occasion supported the principle of a joint account, but since then having more carefully examined the Bill and the statements attached to it, and having listened to the speech of his right hon. Friend, he felt bound to say that although it was possible the moment might come when such a fusion as the right hon. Gentleman proposed might be desirable, that moment was not the present. He ventured to dissent from the assumption of his right hon. Friend that this question was in the main one to be considered with regard to the advantage of the Government. That was a perfectly natural view to take in Downing Street; but he thought the Committee would take a wider view, and consider the advantage not of the Government, but of the numerous classes represented by the depositors in these three classes of banks. Considering the magnitude of the transactions involved, it could not be said that the Chancellor of the Exchequer was very liberal to his bankers in reference to the amount of the balance he left in their hands. It was impossible to exaggerate the importance of nurturing and stimulating habits of providence

among the labouring classes, and one of the best means of doing this was by making them understand and feel that the Legislature was at all times anxious to give them every possible advantage in reference to the profit they would receive in the shape of interest upon the savings which they chose to entrust to the Government. For this reason he was unable to agree that the present time was opportune for effecting the fusion of accounts which would be brought about by adopting the clause as it stood in the Bill. The Chancellor of the Exchequer had stated that it would be very agreeable to him to close the account and discharge the deficiency; but he made no proposal of that kind in the present Bill, and the deficit would still continue a lingering existence, and remain a blot upon the accounts and a disgrace to the country. He thought the proper course for the Government to take would be at once to wipe out the deficiency, and then it could be ascertained what was really the annual deficit. With much reluctance he strongly advised his right hon. Friend not to proceed with this measure. The three accounts started from and concluded at different periods; and it was impossible for the House thoroughly to understand these three matters and give an intelligent opinion upon the proposition now before them, unless they had the accounts of the three departments of deposit on March 31 or April 1, with the valuation taken at the price of the day. They said they knew what was the deficit and how to apply a remedy; but they could not do so, without considering the point he had mentioned. On these grounds he must oppose the proposal of the Government as far as the 1st clause of the Bill was concerned.

MR. DISRAELI: I think the hon. Member for Hackney (Mr. Fawcett) was somewhat deficient in candour in the remarks which he made upon the two speeches of the Chancellor of the Exchequer. He at first said that the right hon. Gentleman in his first speech made a brief and indifferent reply to the right hon. Gentleman the Member for Pontefract, but that after the observations of the right hon. Gentleman the Member for London (Mr. Goschen) he thought the matter was becoming serious, and that then he considered it necessary to reply at much greater length. I think



that the causes of the difference in the character of the two speeches of my right hon. Friend must be apparent to the Committee, if they only look at the Paper of the day. The right hon. Member for Pontefract brought forward a Motion which really touched the very principle of the Bill which my right hon. Friend has presented to the House; but, in his remarks, the right hon. Gentleman touched but very slightly on his own Resolution; and therefore my right hon. Friend in following him, although he had suspected that some attack was about to be made of a more extensive and formidable character, measured his remarks in accordance with the weight and breadth of those of the right hon. Gentleman. But when the right hon. Member for London rose, he revealed to the Committee the disguised purpose of the Amendment. He attacked the principle of the Bill, which is indeed attacked by the Amendment, but which was not attacked in the speech of the right hon. Gentleman the Member for Pontefract, and therefore it became necessary for my right hon. Friend to vindicate his policy, and he did so in a full House, to the satisfaction, I hope, of a considerable majority. It was very natural, of course, after that speech of my right hon. Friend, that the right hon. Member for Greenwich, with his great Parliamentary experience, should feel that it was absolutely necessary to bring back the House to the charmed region of abstract accounts, and to assure the Committee that we were not again recurring to the necessity of a reform of the system of Savings Banks, but that it was a mere affair of account, and that upon the right appreciation of the principles of account, with a view to facilitate Parliamentary inquiry, that not only our Parliamentary authority, but almost the very existence of the Empire, might depend. That was the reason why my right hon. Friend took the line which he did. The hon. Member for Hackney, although he made an attack again to-night upon the principle of the measure, admitted again, as I believe he did before, that the Government was perfectly justified in dealing with the profits which have already accrued from the Post Office Savings Banks, but argued that for the future we must not avail ourselves of it—that we are entitled to the profits of the past, but not to those of

the future. But not even the logical capacity of the hon. Member for Hackney has made it intelligible why we should be entitled to the profits of the past and not to those of the future. But there is a question which, after all, is the question before us, and which has not been answered by any right hon. Gentleman opposite. Here is a deficit, and here is a measure which appears to the House a mode by which the course of that deficit may immediately be arrested, and by which its existence may eventually be terminated. It is a financial measure, brought forward with those objects, which is now before the Committee for consideration. What is the proposition of the right hon. Gentleman opposite? The deficit must be dealt with, and it seems a general opinion on the part of the Committee that it is not the unhappy depositors in the old Savings Banks upon whose backs it should be placed at this stage. Very well, how will you arrest the course of that deficiency? How will you arrest the course of compound interest which has already produced such terrible effects? The right hon. Member for Greenwich threw not the slightest light upon that point. We must deal with the circumstances, and this is our proposal for doing so. My right hon. Friend who has just addressed us (Mr. Hubbard) tells us that he has several objections against the scheme of the Government; but his main objection is, I believe, that we were going to use three accounts which start from different periods of the year. But my right hon. Friend must remember, or he can easily refer to the Bill before him and see, that we have provided for that inconvenient circumstance, and that in this very Bill we have provided that these three accounts should in the future start from the same period. What are we to do? I want to know what is the policy of the right hon. Gentleman. We must remember, if we are to judge from the past, that the right hon. Gentleman the Member for the University of London, when he was responsible for the finances of the country, did bring forward, of course with the entire sanction, perhaps at the instigation, of the right hon. Member for Greenwich, a plan to arrest this compound interest, and ultimately to terminate and discharge the deficit. What was the plan of the right hon.

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Gentleman opposite? It was to reduce the interest received by the depositors in the Savings Banks. These, then, are the two different policies that ought to be considered—the one we have proposed, and the one proposed by the right hon. Member for the London University. It is a delightful, intellectual treat to hear the right hon. Gentleman the Member for Greenwich dilate on those abstract truths about the system of accounts on which he believes that the existence of the authority of Parliament and the greatness of the United Kingdom depend. But the long and the short of it is this—Here is a deficiency which, in the management of a branch of our finance, this country has incurred; that deficiency is increasing at a compound rate; it is necessary to take some steps to arrest that rate of increase and to satisfy that deficiency, and for that purpose we have brought forward this plan. It has been described as a measure to reform the Savings Banks, or one which may prevent all reform of those Banks. It is neither the one nor the other. It is purely a financial measure, and the alternative plan proposed by our stern critics is, to diminish the interest on the deposits in the old Savings Banks. I trust, therefore, that the Committee will, in a manner which cannot be mistaken, sanction our policy, and satisfy those who are our fellow-subjects, and are deeply interested in this question, that their just interests will be guarded and preserved by the present Government.

MR. DODSON, as a Member of the Committee on Public Accounts, asked leave to say a word. The right hon. Gentleman the Member for Buckinghamshire had put this matter before the House as if it was entirely a question how the deficiency was to be stopped. That, he apprehended, was not the question, and he directly challenged the statement. If the Amendment of the right hon. Member for Pontefract were adopted the deficiency on the old Savings Banks, or that on the Friendly Societies might be met in any way they thought fit, either by making use of the surplus of the Post Office Savings Banks for that purpose, or by any other means. Neither of those points was touched by the Amendment. All that the latter raised was the question of whether they were to combine or separate three different ac-

counts; whether they were to keep their accounts clear or were to obscure them? What the Government proposal really amounted to was to mix up these accounts, so that in the future the House and the public would be left in the dark, and it would not be known whether the old or the new Savings Bank system had failed.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 199; Noes 161: Majority 38.

MR. W. SHAW, who had on the Paper Notice of an Amendment for keeping the monies of Friendly Societies out of the Savings Fund Account, said, he would not occupy the time of the House after the decision just taken, but he would recommend the Government either to re-consider their position and withdraw the Bill for the present Session, or else refer it to a Select Committee.

MR. GOSCHEN approved of the Amendment of the hon. Member for Bandon, and as he wished to give the right hon. Gentleman the Chancellor of the Exchequer an opportunity of offering some further explanations to the Committee respecting it, he would put himself in Order by moving it. The whole of the question turned upon questions of the old Savings Banks and the Post Office Savings Banks, and very little had been said about the Friendly Societies. The question was a very large one; and it would be better if the right hon. Gentleman would exclude the Friendly Societies altogether from the operation of the measure. In the Returns, it was shown that the interest carried to the National Debt Commissioners, in the account of the Friendly Societies—taking the whole receipts of those Societies—was one-third of the amount paid. Well, as he understood the matter, the State had to make up the other two-thirds. He therefore put it to the Chancellor of the Exchequer, whether it would not be better to exclude altogether the Friendly Societies, the loss being £50,000 a-year? He wished to know whether they were self-supporting societies; and seeing that an enormous deficiency was to be made up from the surplus in the Post Office Savings Banks, he should therefore sub-

mit that the Friendly Societies be left out of the Bill.

MR. M'LAREN was of opinion with regard to the alleged surplus at the disposal of the Chancellor of the Exchequer, that there was no surplus at the disposal of the Committee. The expense of working the Scotch banking system, comprising 800 branches, amounted to 20s. or 21s. per cent on the business transacted, being greatly above the assumed cost of the Post Office Savings Banks.

THE CHAIRMAN called the hon. Member to Order, and reminded him that there was an Amendment before the Committee to leave the Friendly Societies out of the Bill.

THE CHANCELLOR OF THE EXCHEQUER said, it was obvious that the right hon. Gentleman and his Friends had not yet been able to perceive the principle on which they were proceeding. He could therefore only pity them. If he could have thought that they had grasped the principle of the measure, he should have been surprised at the division which had just taken place; but it was quite obvious that they failed to do so. The principle on which they were proceeding was this—the State was a banker; the State had certain customers whose accounts it kept, and to whom it guaranteed a certain rate of interest, and he held that they were justified in taking the various accounts and dealing with them as a whole, and in such manner as would enable them to fulfil the engagements into which they had entered with the depositors. They had entered into an engagement with one class to one extent, with another class to another extent, and with the Friendly Societies to a third extent, and all that they proposed was that these accounts, which if treated separately would show confusion, should be dealt with as one account. He justified what was done by the old Savings Banks, by saying if they stood on their own footing they would be self-supporting; and if they had nothing to do with the vast deficiency which had arisen from old transactions, they would be able to realize the interest given and leave a small profit over. That was evident from the Return, and it was still more clear from the 1st Schedule to this Bill. There was obviously a great distinction between the principle on which they dealt with the Friendly Societies, on whose invest-

ments they paid interest at the rate of 2d. per cent per day or £3 0s. 10d. per annum and the Savings Banks, because the Friendly Societies were not bound to invest with the State, whereas the trustees of the Savings Banks were bound to do so. They should, therefore, be more liberal in the interest they paid to the one than to the other class of depositors. But, in answer to the right hon. Gentleman, he might say that the Friendly Societies account, apart from the deficiency, was self-supporting.

MR. LOWE quite agreed with the right hon. Gentleman that they had not hitherto understood the principle on which the Government were proceeding; indeed, after the explanation of the right hon. Gentleman, he was obliged to say he did not understand it now. He said the State was like a banker and had many customers. Some of them paid, others did not; some overdraw their accounts, others kept a good balance. The right hon. Gentleman, however, was not going to trouble himself by considering whether they were good or bad customers; he was going wilfully to shut his eyes to that question. He would look at all the accounts together. That was the way, he said, in which bankers transacted their business. The prospects certainly were not very encouraging, but he did not know they were so bad as that. By voluntary and self-imposed ignorance the right hon. Gentleman concealed from himself the actual state of things—whether one class of depositors paid and another class did not. He kept no separate account at all, as he said it would create confusion. He only looked at the profits of the whole. Could they imagine a banker carrying on his business in that way? Such a course would ruin any banker in a month. His only wonder was that the right hon. Gentleman condescended to have any account and would tell them anything about Friendly Societies at all. What he said was—the State received deposits from these three sources; but one account should be kept, and if they got a surplus from the whole they would be able to reduce the deficit. Henceforth, these things were to be a State secret, and such being the case it was really scarcely worth while to ask the right hon. Gentleman to explain to them any details of the arrangement which they could not quite understand, for as a banker the right hon. Gentle-

man would manage affairs in a statesmanlike way, and think it below his dignity to scrutinize profits, or inquire into such minutiae.

THE CHANCELLOR OF THE EXCHEQUER said, the right hon. Gentleman was presuming on the ignorance and want of common sense of the Committee on the subject, for he had never before heard such assertions as had just been made. The question had been put, whether they were giving more interest than they were earning. There would be no more difficulty in ascertaining that fact for the future than there had been heretofore. How the deficiency was to be dealt with was another question. Let them, if they pleased, separate the question of there being a present and a future deficiency. Let them say with regard to the future they would not give to any class of depositors more than they earned. If they earned on the Consolidated Fund only £3 4s. per cent, then he would say they had no right to give to any class of their depositors £3 5s.; but if they gained £3 7s., the payment of £3 5s. would not be over the mark, provided they made the fund self-supporting. They would see whether the fund was remunerative and whether the deficiency was gradually wiped out. What he stated was, that a banker treated the whole amount of his deposits as one fund, without inquiring whether they came from depositors at one rate of interest or another. They might alter their rate from time to time. The whole question now was how to deal with the deficit.

MR. LOWE asked if the right hon. Gentleman proposed not to keep separate accounts, how separate accounts could be given to Parliament?

THE CHANCELLOR OF THE EXCHEQUER replied, they could have separate accounts whenever they asked for them.

MR. CHILDERS said, he was at a loss to understand if only one account were kept of all securities, by what process Parliament could know whether one branch of business paid or not. In what shape could the Chancellor of the Exchequer prepare the account, when the measure of profit and loss was not only the interest upon a proportionate amount of security, but when one very important factor in it was the price at which the securities were purchased? He hoped the right hon. Gentleman would

answer this question, which was certainly not put in a controversial spirit.

THE CHANCELLOR OF THE EXCHEQUER said, it would be perfectly easy to discover what had been the course of business during the year. In the first place, it was not intended to have ear-marking. He thought it would be the duty of the National Debt Commissioners to sell from that fund, however it was provided, from which it was most profitable to sell at the moment, and this the ear-marking would prevent being done. We should always be able to ask what our transactions had been in the course of the year with the Friendly Societies; how much we had received from them, and how much we had supplied to them. Any excess would be met by the sale of stock or by withholding money which came in. The same thing would be done with regard to the Post Office Savings Banks and the other Savings Banks. It was intended to get rid of the ear-marking and the necessity of being obliged to sell out of this little cistern or that little cistern, but rather to take the money out of a large cistern.

MR. LYON PLAYFAIR wished to know whether it was an absolute fact that for four or five years there had been an absolute profit on the Friendly Societies' accounts?

THE CHANCELLOR OF THE EXCHEQUER: No, I did not say that.

MR. CHILDERS trusted the right hon. Gentleman would consider more carefully between the present time and the bringing up of the Report, whether it would be possible to prepare such instructions to the Commissioners of the National Debt as, without destroying the unity of the account, would give in the National Debt Office those particulars which would be given if the accounts were kept separate.

MR. FAWCETT said, it had been remarked that hon. Gentlemen on that side of the House did not understand the principle of the Bill. If so, what was the use of going on with it? He had the Bill off by heart, and if he failed to understand it, the misunderstanding must be owing either to the obscure language of the Bill, or to the fault of those who had undertaken to expound its principle. If, however, he understood the Chancellor of the Exchequer, all the accounts were to be thrown



into hotch-potch, and that then from the aggregate result they were to determine what was the rate of interest they would pay to the depositors. He considered the relations of the Post Office Savings Banks should be decided on their own merits, and those of the old Savings Banks on theirs.

THE CHAIRMAN reminded the hon. Gentleman that the question before the Committee was that of the Friendly Societies.

MR. FAWCETT would then substitute "Friendly Societies" for "Savings Banks;" but hon. Gentlemen would understand that when he used the expression Friendly Societies he meant Savings Banks. ["Oh, oh!"] At all events, the arguments which applied to the one applied to the other. If it was legitimate to give investors in Friendly Societies an interest of £3 0s. 10d. per cent, was it legitimate to continue to depositors in the Post Office Savings Banks only £2 10s. per cent. What he maintained was, that these funds should be kept distinct, and that the interest paid to depositors in the Post Office Savings Banks, the old Savings Banks, and the Friendly Societies should be at the rates which they respectively earned. It was not only a question of accounts, as the right hon. Gentleman had stated, it was a question of principle.

THE CHANCELLOR OF THE EXCHEQUER said, he would admit that the hon. Gentleman had stated his case with perfect fairness, but as to some of the questions he had propounded it might be difficult to find an answer. He (the Chancellor of the Exchequer) contended that the profit derived by the State from this business was required for the purpose of stopping the growth and ultimately putting an end to the existing deficiency, which was an affair of the State. The State had a right to use the profit it gained from the depositors for the purpose of getting itself out of the difficulty. But then it was said—"If £3 0s. 10d. per cent is sufficient to yield a profit to the Government, why should you only allow £2 10s. to other depositors?" His reply was, that that was the bargain with these depositors, who obtained certain advantages which were not given to the others. At the proper time he was perfectly ready to go into the whole question and see whether im-

provements could not be made in the system of Post Office Banks. He thought some improvements could and ought to be made; but, meanwhile, he wished to keep the question distinct from the proposals in the Bill.

MR. BRISTOWE thought that as long as those three funds were carried to one general consolidated account there was no process by which the public would be able to ascertain any deficiency upon one or profit upon the other. It was quite clear there was a loss upon two out of the three classes of Friendly Societies, and it was very advisable that they should not be brought into this general account.

MR. BECKETT - DENISON said, the Government were going to take upon themselves the position of bankers, and treat the whole of these three accounts as one undivided fund, whether each of them paid or otherwise. Now he was sure that if any private banker did not take care that each individual fund yielded a profit, he would very soon become insolvent. He was therefore desirous that these three accounts should be kept separate, for it should be always open to Parliament to call for Returns showing the precise position of each of these funds, and to take such measures as were suggested by the financial results of each. He had heard with considerable satisfaction from the right hon. Gentleman the Chancellor of the Exchequer that it was not the intention of the Government to obliterate all identity between these accounts, but that they were to be kept separate. That being so, some of the objections made against this clause were deprived of their force.

SIR JOHN LUBBOCK said, it should be remembered that in the case of the old Savings Banks there was much voluntary and unpaid labour, while the Government had to pay the entire labour of the Post Office Savings Banks, so that they could afford to pay a rate of interest in the one case which they would be unable to afford in the other. Then, too, the rate of interest paid by the Government was not to the depositors of the old Savings Banks, but to the Savings Banks as a whole, while the interest was actually paid to depositors in the Post Office Bank. Comparing the rate of interest actually received by the depositors in each case, the differ-

*Mr. Fawcett*

ence would not be found as considerable as was generally supposed. He very much doubted whether the Post Office Savings Banks were not really a loss to the country. As regarded the amalgamation of the accounts when there would be large withdrawals from the old Savings Banks there would probably be large withdrawals from the Post Office Savings Banks, and when depositors were paying money into the one they would be paying into the other; but he doubted very much whether that would be the case with the Friendly Societies. It was, therefore, specially desirable that the accounts of the latter should be kept separate from those of the old Savings Banks and the Post Office Savings Banks.

THE CHANCELLOR OF THE EXCHEQUER said, with reference to the statement made by the right hon. Member for Pontefract, he had heard from the gentlemen who had prepared them that they considered there was no discrepancy whatever between the two accounts. He was not in a position at present to explain the matter further, but he would lay a Paper on the Table upon the subject.

MR. CHADWICK said, there would be no difficulty whatever in ear-marking the accounts, and he would venture to say that in 10 minutes a scheme could be prepared which would enable the Chancellor of the Exchequer to effect his object, while it would remove the objections entertained by the right hon. Member for Greenwich.

MR. GOSCHEN said, he would withdraw his Amendment, and in doing so he would ask the right hon. Gentleman, whether he had any objection to give a Return for the last five years, showing whether the Friendly Societies, irrespective of the old Savings Banks, were self-supporting; and, if there had been a loss upon them, to what extent?

THE CHANCELLOR OF THE EXCHEQUER said, he would be happy to furnish accounts which would show the loss accruing on the Friendly Societies, irrespective of the old balance.

Amendment, by leave, *withdrawn*.

On the Motion of Mr. CHANCELLOR of the EXCHEQUER, Amendment made in page 4, line 7, after "annual," by inserting "and principal."

MR. W. SHAW, in rising to move, as an Amendment, to add at the end of Clause, the following words:—

"From the first day of January, one thousand eight hundred and seventy six, the interest credited by the National Debt Commissioners to the trustees of any savings banks shall be at the rate of two pounds seventeen shillings and sixpence per centum per annum, and that in any case in which the trustees of any savings bank shall decide on discontinuing such savings bank, and hand over the deposits to the local Post Office Savings Bank, the Postmaster General is hereby authorized to accept such transfer, and also to arrange, with the sanction of the Treasury, to compensate the permanent salaried officers of such savings bank,"

said, he believed the old Post Office Savings Banks were giving too little interest for the money invested, whilst the others were giving too much. Any profit was absorbed in carrying on the business as they were at present doing, because there were certain expenses being incurred. There was no margin with which to carry on the business. The right hon. Gentleman the Member for the University of London brought in a Bill to reduce the interest in the old Banks, but that was met by an outcry, Who from? It was not got up by the trustees, but by the officers. There was not one of these institutions that did not employ several officers, and all these people cried out that it would be unfair to shut up these institutions without passing some measure for remunerating the officers. From conversations he had had with officers of these Banks—some of which were very large institutions—the feeling was that the Banks could not continue to compete with the Post Office Savings Banks and with other modes of investment which were now available for the poor throughout the country. They would be delighted if there were some means suggested for gradually absorbing them. The old Savings Banks were established in a very different state of society from the present; now in every town and district of the country there were plenty of safe and remunerative modes of investment for the working classes. The effect of his Amendment, if carried, would be that the Post Office Savings Bank would absorb all the weak and doubtful of the old Savings Banks, whilst where there was a first-class well-managed Savings Bank, there would be margin enough between the rate of interest allowed and received to enable the trustees to carry it on. As

regarded the Irish Savings Banks, he knew, and supposed it was the same in other places, that the depositors in half of them were not the people for whom they were intended, but consisted of the professional classes and others, some of whom had half-a-dozen pass-books for members of their family, and the country was taxed to keep up those institutions in a fictitious manner. His object in placing his Amendments on the Paper was that the Bill should be made a complete Bill reforming the whole system. If necessary, the Government ought to postpone the Bill for a Session and make a complete overhaul of those institutions by means of a Royal Commission. If that were done, he thought it would be recommended to absorb them at once, even at some expense, rather than keep them on in a half dead state, the depositors imagining they had Government security when such was not the fact. In conclusion, the hon. Member moved his Amendment.

MR. M'LAREN said, he could not support the Amendment, as he was of opinion that the alleged profit in connection with the Post Office Savings Banks was an entire delusion. A few days ago he wrote to the Secretary of the Treasury, asking a few questions about the Banks, and the hon. Gentleman answered them with his usual promptitude. One of these questions was, whether they were charged postage on their communications; and another was whether, if a tenth of the business of local Post Office officials was taken up with Savings Bank business, a tenth of the expenses was charged against the Savings Banks? The answer to the first question was to the effect that no postage was charged, because the other Departments of the Government were not charged postage. The analogy seemed most illogical. The War Office was not carried on for profit, neither was the Home Office, nor the Colonial Office. But the Post Office Banks were alleged to make profit, and the objects of the Bill now before the Committee were to decide how they were to dispose of an alleged surplus of £118,000 a-year, which he did not think had any existence. Why, being carried on for profit, were they not charged with postage? Was the conveyance of their correspondence not a source of expense? Did we not make payments to the rail-

way companies, and did we not pay above five millions to the Post Office, of which we got back only a million and a half? In his opinion, the hon. Baronet had good grounds for his remark, who said that every time he posted a letter he felt he was paying towards the support of these Banks. He believed that if there were an inquiry, it would be found not only that there was no profit, but that there was a loss. Indeed, if there was a profit at all, it was only by failing to estimate the expenditure in as strict a manner as ought to be, that it was effected. The answer to the other question he put to the Secretary of the Treasury—namely, as to whether a tenth of the expenses was charged against the Banks—was that £5 was charged to the Banks on every 1,000 transactions to cover all these expenses. Now, was it possible to pay for 1,000 transactions by £5? He submitted that the Banks should pay their legitimate share of the expenses, and not be let off with a nominal charge. If they followed the principle adopted with these Banks they could make any concern appear to pay, whatever its actual condition; but any man who conducted his private business in such a way would be thought fit for a lunatic asylum. It was not the business of the State to carry on banking at all; but least of all was it its business to carry on banking at a loss. As to the second part of the Amendment—that which proposed to transfer the business of the old Banks to the Post Office Banks, and give the Post Office authority to compensate the displaced servants of the old Banks—he reminded the Committee of the expense the country had been led into by the taking over of the telegraphs, and asked them to consider it as a warning. The right way to deal with the present Bill was, in his opinion, to send it to a Committee, in order that they might ascertain whether the alleged surplus in connection with the Post Office Savings Banks was real.

THE CHANCELLOR OF THE EXCHEQUER said, that while agreeing with much that the hon. Member for Edinburgh (Mr. M'Laren) had said, he did not think it at all necessary to send the Bill to a Committee. It would certainly be inexpedient to take forcible measures to put an end to the old Savings Banks with the view of transferring the whole of their business to the Post Office Sav-

*Mr. W. Shaw*

ings Banks, and beyond that, he was not now dealing with the question of Savings Banks reform, which was a very large question, and one which must be deliberately taken up. He was anxious by the Bill to put a stop to the growing and objectionable deficiency in the old Savings Banks account without disturbing the arrangements which had been made with the new Savings Banks. It had been said that the old Savings Banks were dying out; but that statement was only true to a certain extent. Although some years ago, when the Post Office Savings Banks were first established, there had been a falling-off in the number of depositors in the old Savings Banks, the latter had since recovered their business to a large extent, and they now continued to hold their own very fairly against the former. In the last three years the number of depositors in the old and the Post Office Savings Banks were, respectively, in 1872, 1,425,000, against 1,442,000; in 1873, 1,445,000, against 1,556,000, and in 1874, 1,466,000, against 1,668,000. These figures showed that the business of the old Banks was not decreasing, but was merely not increasing equally fast with that of the new Banks. Again, the sums transferred from the old Banks to the new amounted in 1872 to £339,400; in 1873 to £45,000; and in 1874 to £58,600; whereas on the opposite side the sums transferred from the Post Office Savings Banks to the old Banks amounted in 1872 to £7,300; in 1873 to £8,700; and in 1874 to £11,110. On the whole, therefore, the old Banks were still doing good work, and he should consider the subject in many lights before taking so strong a step as that proposed by the hon. Member. The question of allowing the trustees to invest in other than Government securities would require great consideration. He could not agree to the Amendment, the tendency of which would be to shut up the old Savings Banks altogether, in conformity with the spirit which had been manifested by those who sat on the front benches opposite.

MR. CHILDERS said, that no proposal had emanated from the bench on which he sat that could be regarded as suggesting the adoption of the course indicated by the right hon. Gentleman as the tendency of the Amendment. All that had been said by himself, and those

who sat near him, was to the effect that they were by degrees approaching the time when one rate of interest would have to be paid to all depositors in all Savings Banks. The Amendment had elicited a very satisfactory statement from the Chancellor of the Exchequer, and therefore he should appeal to the hon. Member to withdraw it.

MR. SWANSTON supported the Amendment. He observed that there was so small a number of depositors in many Banks that they did not derive much advantage from the Government paying a higher rate of interest, because the expenses were heavy in proportion to the amount of deposits. He should be glad to see some inquiry instituted into the condition of the old Banks, and he doubted the prudence of putting the accounts of these three classes of societies together.

MR. W. SHAW said, the object he had in view was fully answered by the discussion, and obtained leave to withdraw the Amendment.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 2 (Liability of Consolidated Fund to Savings Banks, Post Office Savings Banks, and Friendly Societies).

On the Motion of Mr. CHANCELLOR of the EXCHEQUER, Amendments made, in page 4, lines 42 and 43, by leaving out "with interest at three and a half per cent. per annum;" in page 5, line 1, after "direct," by inserting "with interest at such rate as the Treasury may fix so as to prevent loss to the Exchequer."

Clause, as amended, *agreed to*.

Clause 3 (Annual deficiency of interest received by Commissioners to meet interest credited).

MR. GOSCHEN said, that a loss would accrue if the annuities were calculated at the lower rate, but would not arise if the Commissioners were able to buy when Consols were low as well as when they were high. They might then strike an average, and the loss at one time might be put against the gain at another. The Chancellor of the Exchequer, on the other hand, by the course proposed to be taken, deprived himself of the advantage in bad times of making a good average by buying when Consols were low.



THE CHANCELLOR OF THE EXCHEQUER said, he would admit that there was a good deal of force in the remark of the right hon. Gentleman. He wished, however, to point out that by amalgamating the funds, the risk of loss would be diminished.

MR. GOSCHEN said, it would be wise to leave a sufficient margin to meet any contingency, and it was desirable that the House should have more precise information as to the annuities.

THE CHANCELLOR OF THE EXCHEQUER thought he could give it; but he had been surprised to find how small was the loss upon them; it had amounted to only £378,000 since 1817; and that was chiefly due to small deficiencies accumulating at compound interest, which would be prevented in future by Parliamentary Vote.

Clause verbally amended, and *agreed to*.

Clause 4 (Accounts and annual balance sheet and returns of Commissioners).

MR. MUNTZ, in moving, as an Amendment, in page 5, line 34, after "keep," insert—

"An account showing the surplus or deficiency arising in their operations with the Savings Banks, Post Office Savings Banks, and the Friendly Societies respectively,"

said, it was absolutely necessary that there should be separate accounts to that extent, and he believed that the publicity which the adoption of the Amendment would secure would have the effect of doing away with a great deal of the opposition that was offered to the Bill. If this were done they would be able to see next year precisely how they stood, and what had been the gains or losses on each department. The accounts in the proposed form would, of course, be laid before Parliament annually.

LORD ESLINGTON hoped the Chancellor of the Exchequer would accede to the Amendment, and said the accounts must be kept if only for the purpose of the audit.

MR. M'LAREN supported the Amendment, remarking that it did not affect the application of the aggregate profit, and that the result of producing this account would be that the House would get tired of making up a deficit by an annual Vote. It was, in fact, only in accordance with the principle of the Civil Service Estimates.

THE CHANCELLOR OF THE EXCHEQUER said, he supposed the object was to show in a separate account what would have been the result if there had not been a joint account. That would be a little difficult, because of the necessity of dealing with accumulations of deficit. He thought the view of the Committee would be best met by his introducing words on the Report, accompanied by a blank form of account, as a Schedule to the Bill.

MR. MUNTZ, on that understanding, expressed his willingness to withdraw the Amendment.

MR. GOSCHEN desired to be certain that the Chancellor of the Exchequer accepted the principle of the Amendment, which was that they were to be able to follow the transactions precisely as if no change had been made. He trusted that the right hon. Gentleman was willing to take the position laid down by the hon. Member for Macclesfield (Mr. Chadwick), and would consent to produce separate statements of profit and loss, deficiency and surplus.

THE CHANCELLOR OF THE EXCHEQUER said, he could not undertake to satisfy the right hon. Gentleman. It would be quite impossible to go into all the details he wished. He would give all the information he could, and put it in the definite form of a table.

SIR JOSEPH M'KENNA thought all they could expect was what the right hon. Gentleman had promised to give.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

#### *Investments.*

Clause 5 (Investments by National Debt Commissioners on Savings Fund account).

THE CHANCELLOR OF THE EXCHEQUER said, he had an Amendment to propose which was rather important. The greater latitude given by the Bill to investment was part of a scheme which the Government had of dealing with the whole question of local loans. There were four Bills before Parliament connected with the subject. There was this clause in the present Bill, the Local Loans Bill, and the two Bills connected with the Public Works Commissioners. The questions which had arisen on the scheme of local loans were rather complicated, and required some considera-

tion. The proposal was a new one. It had been circulated in the country, and several suggestions had come to him from different bodies with regard to some provisions of that Bill. He thought it would be more convenient and proper that the provisions of the section, so far as they related to debentures of local authorities, should be withdrawn from the present Bill and inserted in the Local Loans Bill. He should therefore propose an alteration in this clause, restricting it to investments in Parliamentary securities and consolidated stock of the Metropolitan Board of Works. In order to do that, he would move the omission after "Works," in line 35, of the remainder of the clause.

MR. DODSON said, he did not object to the proposal, but must point out that its effect would be to take away securities paying higher interest.

MR. FAWCETT complained of the Chancellor of the Exchequer coming down and without Notice making that alteration in the most important part of the Bill, the effect of which proceeding was to throw the whole question into inextricable confusion. The right hon. Gentleman had had adopted a great number of his Amendments; but he proposed to adopt the most unusual course of transferring a vital part of this measure to another Bill which might never pass. As the provisions which the right hon. Gentleman now proposed to omit were intended to be his chief means of getting rid of an existing deficit, he put to him whether it was worth while going on with that Bill. He thought, under the circumstances, it would be better to report Progress.

MR. GREGORY wished, as the hon. Member for Hackney said the Amendment was substantially the same as he had himself proposed, to ask him whether his object now was, because he could not defeat the Bill on the second reading, to throw the whole scheme into "inextricable confusion?"

MR. FAWCETT explained that whereas the Chancellor of the Exchequer proposed to revive, in another Bill which they had never seen, the provisions which he now wished to omit, he, on the other hand, if he carried his Amendment, would do nothing of that kind. That, he thought, was a wide difference between their respective proposals.

MR. GREGORY said, the Chancellor of the Exchequer, as he understood him, wished to defer to a fair and proper opportunity his proposals with regard to investments in securities. Local loans required to be placed on a sounder footing, so as to afford some guarantee or reserve fund beyond the rates for the repayment of the principal within a reasonable time, before the Commissioners for the National Debt could securely invest in them. The right hon. Gentleman, therefore, did well in postponing that question until the Local Authorities Loans Bill was before the House. He would suggest, however, that investments in the stock of the Bank of England should be included in that clause.

MR. COLLINS thought there was now little to find fault with in the proposal of the Chancellor of the Exchequer. The Government had withdrawn the most debateable part of the Bill, and had thereby removed what would otherwise have occasioned great difficulty to that side of the House.

MR. LOWE said, the two principles of the Bill were joint accounts and investment in more paying securities, with a view to extinguish the deficit. These were the principles on the faith of which the Bill was read a second time. The Chancellor of the Exchequer, however, like a magician, had waved his enchanted wand, and all had disappeared. It seemed that there was now to be a separate account for each of the three institutions, and the possibility of getting a higher rate of interest was at an end, though the right hon. Gentleman had stepped out of the charmed circle of Government securities and retained the stock of the Metropolitan Board of Works for investment. Now, he had not a word to say against the credit of the Metropolitan Board; but while the right hon. Gentleman deprived them of the benefit of obtaining higher interest from their investments, he thus committed Parliament to the principle that other than Government securities might be resorted to. Equally good securities to the stock of the Metropolitan Board might be mentioned, and why not invest in them? Then would come the investments which were a little worse, and so, while robbed of the substantial good arising from higher interest, an objectionable principle was retained which might be fraught with future mischief. After

such extraordinary changes and vacillations, made without notice of any kind, he thought the Committee should have time for consideration, and the best plan would be to report Progress.

THE CHANCELLOR OF THE EXCHEQUER said, the right hon. Gentleman had told hon. Gentlemen who had been absent from the House for a short time getting refreshment, that they would be greatly astonished when they heard what had been done in their absence. Doubtless, they would be very much astonished. But he (the Chancellor of the Exchequer) thought he could point to a faithful few who would be still more astonished, and that was those who had remained in the House during the whole of the discussion. What other construction could hon. Members who had remained put upon the words of the right hon. Gentleman than that he had either been asleep, or had fallen into a cogitation over some other subject? There was not the slightest shadow or semblance of foundation for the accusations he had made. But everybody knew what were the powers of the right hon. Gentleman. He was as acute and as severe in criticism as he was blundering in legislation. The right hon. Gentleman was the author of the Bill of 1873, for extinguishing this deficiency by reducing the rate of interest to the old Savings Banks, a measure which was paraded before the House, but withdrawn without going to a second reading; and if this were to be the model of wisdom the Government were to follow, he would rather pursue a humbler course of his own. He had proposed to consolidate the different accounts and carry all the funds to the same account, making the profit on one go towards the deficiency accruing upon others. That proposal had been sanctioned by the Committee and remained part of the Bill. It was true he had promised the hon. Member for Birmingham (Mr. Muntz) that he would endeavour to introduce a form of account which would show as far as possible the nature of the proceedings in each class. He had no wish to conceal anything, and the suggestion that he wished for concealment was a gratuitous suggestion for the purpose of throwing contempt and odium on his proposals. The principle for which he had contended, and which the Committee had adopted, was the adoption of

*Mr. Lowe*

such a mode of accounts as would absolutely arrest the progress of the deficiency, and if a deficiency still occurred in any year, it would be brought under the notice of Parliament, and a Vote would be taken on account of it. With regard to investments, the right hon. Gentleman said he had tried to knock away the great recommendation which the Bill contained, by destroying the hope he at first held out of obtaining better interest. First, he replied that that was not the case; and, secondly, that if he had done so, though it would to a certain extent retard the reduction of the deficiency, it was not contrary to the principle of the measure, as there would still be enough to carry on the business and make some impression on the deficiency. Though they proposed to insert in the Bill a better form of investment, they proposed to withdraw what related to a particular class of investments that had to be settled by Parliament. The right hon. Gentleman himself admitted that the security of the Metropolitan Board of Works was retained, and this security would yield an interest above any now received—namely, 3½ per cent. The Bill contained a very important principle, which was that better interest might be obtained for the money received by the National Debt Commissioners than at present, provided that good and certain security was obtained. It had originally been intended to specify the securities in which the investments should be made in the Local Authorities Loans Bill, which it was supposed would have proceeded *pari passu* with this measure. In consequence, however, of suggested alterations which had been made by deputations from various parts of the country who waited upon him in connection with this subject, some urging that nominal debentures were not objectionable, others complaining of the proposed system of audit, and other matters which were very proper subjects for careful consideration, it was found desirable that the latter measure should not be forced on without giving full time for discussing it. Therefore, he begged to state that he abandoned no principle whatever in proposing these Amendments. [Mr. Lowe: Only the execution of it.] No; nor the execution of it. He had simply given his adhesion to an Amendment which would meet the

wishes of a good many without encroaching upon the principle of the Bill.

MR. GOSCHEN said, that the Chancellor of the Exchequer had one unfailing weapon by which he could attack those who sat on the benches opposite to him, and that was the use of very vigorous language. Thus he had charged his right hon. Friend with being acute in criticism as he was blundering in legislation. That was a pretty strong phrase; but it was not true. The right hon. Gentleman had selected the opportunity of referring to the blundering legislation of those sitting opposite to him on the occasion of his withdrawing a well-considered clause in his own Bill without having given any Notice whatever of his intention to do so. The right hon. Gentleman had also spoken of the proposition of the right hon. Member for Pontefract as a monstrous one, although it was one that had met with the approval of the right hon. Member for Cambridge University and of the right hon. Gentleman the Member for Oxfordshire. It was not proper for the right hon. Gentleman to use such language. It was quite true that great modifications had been made in the Bill, but in any case the right hon. Gentleman should refrain from making such attacks. He hoped that the right hon. Gentleman would proceed with his other Bill in order that hon. Members might know what they were doing.

MR. J. G. HUBBARD deprecated the introduction of party controversy and recrimination into the discussion, and said he was glad his right hon. Friend consented to withdraw the clause, for, had he persevered with it, he, for one, should certainly have joined the hon. Member for Hackney in his opposition. The Committee must recollect that in these transactions the Chancellor of the Exchequer must be a borrower of money as well as a lender, and he should act in both operations in a manner which would be for the public advantage. He ventured to say that in withdrawing the clause he acted very wisely and discreetly.

MR. CHILDERS suggested that the Bill should not go to a third reading, until the Local Loans Bill had been brought forward, so that hon. Members might know what local securities were to be invested in.

Amendment agreed to; words struck out.

MR. CHILDERS, in moving as an Amendment, in page 6, line 32, to substitute "and" for "or," said, he did so with the object of providing that the funds standing to the Savings Fund account should only be invested in Parliamentary securities, both the principal and interest of which were provided for and guaranteed by Parliament.

THE CHANCELLOR OF THE EXCHEQUER said, the proposal as contained in the clause was in the precise words of the existing law; but he would look into the matter, and consider whether any alteration was either necessary or desirable.

MR. CHILDERS, on that understanding, said he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. FAWCETT said, that in order to raise the question whether the funds should be permitted to be invested in local securities, he would propose to omit from the sub-section the consolidated stock of the Metropolitan Board of Works, in which, among other securities, the clause proposed that investments of the funds dealt with by the Bill might be made. Once the principle that funds of this description should not be invested in anything but Parliamentary or public securities was infringed, the Government would be pressed day by day to extend the area of their investment. It appeared from an explanation of the Chancellor of the Exchequer that evening that part of the Local Taxation policy of the Government was to give assistance to local authorities by making loans to them, and by that means to obtain larger interest than could be obtained otherwise. But if that was part of the Local Taxation policy of the Government, it ought to be carefully examined, for nothing could be more dangerous than attempting to get a higher rate of interest by such means. The Government had been assured by a high financial authority—namely, the right hon. Member for the City of London (Mr. Hubbard)—and by other supporters of the Government that to invest in local securities would be attended with the greatest possible danger. Under these circumstances, it was



only a reasonable request on his (Mr. Fawcett's) part, to ask that instead of discussing the question in this partial way, the question should be postponed until the House knew what was the new shape of the Local Authorities Loans Bill, which the Government had promised should be dealt with *pari passu* with this Bill. He would postpone his Amendment and raise it on the Report, if the Chancellor of the Exchequer would give an undertaking that the Report should not be brought up until the Local Authorities Loan Bill was reprinted. If the Chancellor of the Exchequer could give the assurance he asked for, he would not press his Amendment to strike out the mention of the Metropolitan Board of Works.

MR. M'LAREN said, he failed to see any good reason for giving a preference to the securities of the Metropolitan Board of Works. An equally good security was that of the city he represented—Edinburgh—but it could get abundance of money for its city improvements without any such legislation.

MR. GREGORY said, all that was now before the Committee was whether the National Debt Commissioners were to have powers to invest in the stock of the Metropolitan Board of Works. That stock had been expressly made a trust investment by Act of Parliament, was accepted by the Court of Chancery and was on such a footing that there could be no doubt of the security which it afforded.

LORD ESLINGTON thought that by retaining the words the National Debt Commissioners were not at liberty to invest in the security that appeared best and safest.

MR. SAMUDA said, that, as he understood the clause under consideration, it limited the investment of these funds to the stock and securities of the Metropolitan Board of Works. The hon. Member for Hackney objected to that proposal because it involved investment in other local securities. What he (Mr. Samuda) objected to was, that this clause did not go far enough. He wanted the area of investment to be enlarged, and he would ask the Chancellor of the Exchequer not to give up the proposal which he had indicated. It would get rid of many of the difficulties with which he had at present to contend, and enable

the Government to invest in more varied securities and realize better interest than could be obtained by investment in more limited securities.

SIR JOSEPH BAILEY said, that almost every word spoken by the hon. Member for Hackney on those subjects fell upon his ear like the voice of a schoolmaster. He rose to express his cordial concurrence with the views expressed by the hon. Member for the Tower Hamlets. So far from confining investments in the way proposed, he would like to see the trustees of public companies and public bodies empowered to invest their funds in all kinds of securities based upon local rates.

MR. WHITWELL was also in favour of extending the area of investment; but he thought that as the securities of the Metropolitan Board were of an exceptional character they should be included in the Bill, leaving the question of other securities to be considered when the Loans Bill was before the House.

THE CHANCELLOR OF THE EXCHEQUER said, he understood the hon. Member for Hackney to say that he would not press his Amendment if he (the Chancellor of the Exchequer) would undertake not to press the part of the clause to which he objected until the Report on the Bill was brought up, and the Loans Bill was also before the House. He hoped that would be the case, because he did not propose to take the Report on this Bill until after next week, when the Loans Bill would have been considered in Committee. He had struck out all local securities except those of the Metropolitan Board because terms affecting them must be defined in the other Bill, and the Committee would be at a disadvantage in discussing them now. He wished the Committee to affirm now the principle of investing in other than Parliamentary securities, and he selected the stock of the Metropolitan Board because it would not be dealt with by the other Bill, and because it was of a large and important character, was already under the supervision of Parliament, and could not be increased without its sanction.

MR. ANDERSON said, he hoped the Committee would express an opinion on the point now, as it had been raised, because he objected strongly to singling out the securities of the Metropolitan Board. When hon. Members talked of

taking other securities every bit as good as Government securities and yet getting larger interest, they were talking what, with all respect, he ventured to call nonsense. In all cases the rate of interest was the measure of the security, and if the Metropolitan Board of Works could give a higher interest, it simply meant that the security was not so good. He could point to many other securities that were as good as the Metropolitan; but he thought they ought not to go beyond Government securities.

MR. MORGAN LLOYD was opposed to any exception being made in favour of the Metropolis.

LORD FRÉDERICK CAVENDISH said, the question involved was a most important one—it was this, whether, for the first time in the history of this country, Parliament was to confer on the Chancellor of the Exchequer the power to bestow immense local benefits upon local authorities. Was it wise to enable the Chancellor of the Exchequer to confer vast benefits upon communities whose political support it might be important for him to secure?

MR. ALDERMAN COTTON said, he would raise the question of the Metropolitan Board debentures when the Bill was reported.

MR. FAWCETT said, as the Chancellor of the Exchequer had given him an assurance which he deemed satisfactory, it would be impossible for him to divide. But he hoped neither the right hon. Gentleman nor the Committee would think that he and those who agreed with him were in any way pledged to the principle of his proposal. On the Report, he would raise the question in the most distinct way.

THE CHANCELLOR OF THE EXCHEQUER said, he did not wish there should be any misunderstanding on the point. He did not enter into any positive engagement to comply with the wish of the hon. Gentleman, but would do all in his power to meet his views.

THE MARQUESS OF HARTINGTON thought it wise that the hon. Member for Hackney should withdraw his Amendment; but it was possible that he might not be allowed to do so, and might be compelled to divide. Whatever the result, however, those who agreed in the main with the hon. Member would not be precluded from raising the question on the next stage of the Bill. The course taken

by the Government was extremely inconvenient, and had placed the Committee in a false position. There were many hon. Members who would be extremely unwilling to give a vote which would seem to cast a shadow of suspicion upon the security of the Metropolitan Board of Works; but, at the same time, there was a general question involved, and he was not prepared to assent to the National Debt Commissioners being empowered to invest in any kind of local securities. He hoped the hon. Member for Hackney would withdraw his Amendment, as the division upon it could not be of a satisfactory character, and that hon. Members on that side of the House would not be accused of obstructing unnecessarily the progress of the Bill if they took the opportunity, on the Report, of raising a more general issue.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 6 (Power of Commissioners to sell and change securities) *agreed to*.

#### *Conversion of Perpetual Annuities.*

Clause 7 (Power to Treasury to cancel capital stocks, and substitute equivalent terminable annuities, and two and a half per cent. terminable annuities).

MR. J. G. HUBBARD moved that the clause be omitted. Although in a Bill relating to Savings Banks, it had no necessary connection with that subject. It empowered the Chancellor of the Exchequer, on his own authority, to direct the Bank of England to convert Permanent into Terminable Annuities. The result of a transaction of that kind was to increase greatly the annual charge on the National Debt, and in that way add to the taxation of the country. Such a power was unnecessary, dangerous, and unconstitutional. The Secretary of the Treasury said the other day that they must take the Savings Bank Bill in connection with the National Debt Bill; but whether they considered them together or separately this clause was out of place, the £28,000,000 a-year charged to the National Debt was meant to be definite or it was not. If it was definite, it was clear that this clause could have no possible operation; and if it was not definite, then the provision of which he complained might, as a possibility, be imposed upon the country.

THE CHANCELLOR OF THE EXCHEQUER said, that, practically, it would be impossible for a Chancellor of the Exchequer to attempt to create Terminable Annuities beyond the limit of £28,000,000. He had at present the power sought by this clause as regarded the Post Office Savings Banks, and it was found to be very convenient. He had no doubt that whenever it was desirable to make these Terminable Annuities the Chancellor of the Exchequer of the day would, as a matter of course, bring the subject under the notice of Parliament, and he thought it would be a pity to alter an arrangement which had worked well for some years.

MR. CHADWICK urged that if the clause was of so important and extraordinary a character as the right hon. Member (Mr. Hubbard) had described it to be, it ought either to be omitted or postponed.

MR. DISRAELI said, the hon. Gentleman who had just spoken mistook altogether the functions of the Committee. The clause had been before them for days, and even weeks, and full opportunity had been allowed for its consideration. He believed that the Committee were decidedly in favour of the clause; but if the hon. Member had any objection to make to it, the Committee would be perfectly ready to consider his observations.

THE CHANCELLOR OF THE EXCHEQUER said, the provision in question was not a new one. It was the existing law in respect of the Post Office Savings Banks.

Amendment *negatived*.

Clause *agreed to*.

Remaining clauses *agreed to*.

Schedules *agreed to*.

Preamble *agreed to*.

House *resumed*.

Bill *reported*; as amended, to be considered upon *Monday* 21st June, and to be *printed*. [Bill 198.]

#### COUNTY COURTS BILL—[BILL 156.]

[*Lords.*] (*Mr. Attorney General.*)

#### SECOND READING.

THE SOLICITOR GENERAL, in moving that the Bill be now read the second time, said, that its main object was to extend the powers at present pos-

essed by plaintiffs in actions tried in the County Courts to obtain judgments by default in undefended actions. It was said there was a very great difference of opinion as to whether a judgment by default should be obtained in cases below £5. It was considered that this doubt should be given effect to. The principal provision of the Bill was that in all cases where the debt was above £5, where the debt was due for goods supplied in the way of trade, the plaintiff should obtain judgment by default in the same way as in an action in the Superior Courts. At the same time, every security was thrown around the defendant. It was provided that in all cases there should be personal service on the defendant, except where it was proved that a defendant purposely evaded service, and that before the summons was issued on which judgment by default should be obtained, the plaintiff should make an affidavit in proof of his debt. The provisions of the Bill were in accordance with the recommendations of the Judicature Commissioners. He hoped the Bill would be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Solicitor General.*)

MR. CHADWICK called attention to the necessity of a change in the law of imprisonment by the County Court Judges for contempt.

MR. ALFRED MARTEN supported the Bill as a means of saving a great deal of expense.

MR. BECKETT-DENISON said, that the measure proposed to give greater facilities to claimants to obtain judgment by default. He hoped there would be some safeguard against the danger of suitors "playing tricks" and deferring service of process until a day or so before, and then making affidavit that due service had been made.

MR. WHEELHOUSE replied, that the present rules of County Courts sufficiently guarded against any such danger.

Motion *agreed to*.

Bill read a second time, and *committed* for *Thursday*.

DOVER PIER AND HARBOUR  
[EXPENSES].—REPORT.

Resolution [June 1] *reported*;

"That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of one-third of the expenses incurred in the construction of Works in pursuance of any Act of the present Session for authorising the construction of additional Piers and Works at Dover."

Resolution read the first time.

Motion made, and Question proposed,  
"That the said Resolution be now read a second time."

MR. HANKEY objected to the mode in which the money for that work was to be raised, but not to the principle of the Bill itself.

MR. BECKETT-DENISON moved the adjournment of the debate, as the Report of the Select Committee on the Bill was not yet in the hands of Members.

Motion made, and Question proposed,  
"That the Debate be now adjourned."  
—(*Mr. Beckett-Denison.*)

MR. W. H. SMITH hoped the Motion would not be pressed. Ample time would be given for the consideration of the measure when the Report of the Select Committee was before the House, as it shortly would be. The Resolution before them was merely a formal proceeding.

Motion, by leave, *withdrawn*.

Resolution *agreed to*.

STATUTE LAW REVISION BILL.

On Motion of Mr. SOLICITOR GENERAL for IRELAND, Bill for promoting the Revision of the Statute Law, *ordered* to be brought in by Mr. SOLICITOR GENERAL for IRELAND and Sir MICHAEL HICKS-BEACH.

Bill *presented*, and read the first time. [Bill 199.]

COURT OF ADMIRALTY (IRELAND) ACT  
(1867) AMENDMENT BILL.

On Motion of Mr. MURPHY, Bill to enlarge the jurisdiction in Admiralty Cases of the Recorders Courts of Cork and Belfast, and to provide for payment of the Officers of said Courts, *ordered* to be brought in by Mr. MURPHY, Mr. JAMES CORRY, Mr. DOWNING, Mr. JOHNSTON, Mr. RONAYNE, and Mr. MACCARTHY.

Bill *presented*, and read the first time. [Bill 200.]

House adjourned at  
One o'clock.

HOUSE OF LORDS,

Tuesday, 8th June, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Public Health \* (136); Drainage and Improvement of Lands (Ireland) Provisional Order \* (138), and *referred* to the Examiners. *Second Reading*—Offences against the Person (158).  
*Committee*—Inns of Court \* (89-140).  
*Committee—Report*—Customs and Inland Revenue \* (126); Post Office \* (116).  
*Third Reading*—Parliament of Canada \* (96); Justices (Dublin) \* (118); Chimney Sweepers \* (71); Bankruptcy (Scotland) Law Amendment \* (133), and *passed*.

OFFENCES AGAINST THE PERSON BILL.

(*The Lord Hampton.*)

(NO. 158.) SECOND READING.

Order of the Day for the Second Reading, read.

LORD HAMPTON, in moving that the Bill be now read the second time, said, that it had passed through the other House and was founded on the recommendations of a Commission on the Contagious Diseases Acts. The Commission recommended that Clauses 50 and 51 of the Act 24 & 25 Victoria, c. 100, should be amended with the view of affording greater protection to female children. The Commission named 14 as the age up to which "consent" would not apply; but in the House of Commons after a full consideration of the subject, 13 was substituted. Though, as a Member of the Royal Commission, he had concurred in naming 14, and still thought that ought to be the age inserted in the Bill, he was willing to accept the Amendment, and to move the second reading of the Bill.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Lord Hampton.*)

LORD STANLEY OF ALDERLEY thought that the provision at the end of Clause 2 was insufficient, since if this Bill became law a man might commit an offence against it the day before it was passed, an information might be laid against him the day after it passed, and he could not then be tried under either the old or the new law. Such a case occurred on the change of the law on the 20th of July, 1820, when larceny to a certain amount ceased to be a capital offence, and it was held that a person convicted in September for an offence



committed six days before the 20th of July could not be punished under either the old or the new law. The word "abuse" also seemed to him to be superfluous, and only led to confusion and doubt, as was shown by a dispute as to the meaning of the word "abuse" among the Barons Pollock, Wilde, Bramwell, and Channell in the Exchequer, *in re* Thompson, November 26, 1860.

LORD LYTTTELTON said, that Amendments would be necessary in the Bill when it got into Committee.

LORD COLERIDGE pointed out that an amendment in the wording of the 4th clause would certainly be necessary, since by the Common Law of England it was lawful for a woman to marry at the age of 12. He approved the change which the Bill was intended to effect.

Motion *agreed to*; Bill read 2<sup>a</sup> accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

DRAINAGE AND/IMPROVEMENT OF LANDS  
(IRELAND) PROVISIONAL ORDER  
BILL [H.L.]

A Bill to confirm a Provisional Order under the Drainage and Improvement of Land (Ireland) Act, 1863, and the Acts amending the same—Was *presented* by The LORD PRESIDENT; read 1<sup>a</sup>; and *referred* to the Examiners. (No. 138).

House adjourned at half past Five  
o'clock, to Thursday next,  
half-past Ten o'clock.

HOUSE OF COMMONS,

*Tuesday, 8th June, 1875.*

MINUTES.] — PUBLIC BILLS — *Committee* — Medical Acts Amendment (College of Surgeons) [100], *debate adjourned*.  
*Committee* — *Report* — National Debt (Sinking Fund) [142]; Metropolis Local Management Acts Amendment (*re-comm.*) \* [153].  
*Third Reading* — Intestates Widows and Children (Scotland) \* [109]; Saint Paul's Cathedral (Minor Canonries) \* [179], and *passed*.  
*Withdrawn*—High Court of Justiciary (Scotland) \* [13].

The House met at Two of the clock.

COCK-FIGHTING.

QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department,

*Lord Stanley of Alderley*

If his attention has been directed to frequent accounts of cockfights which are said to have taken place in many parts of the Country; and, whether, in view of the frequency of these violations of the existing law, he contemplates bringing in a Bill this Session for the better suppression of cock-fighting? If the right hon. Gentleman should not find it convenient this Session to introduce a Bill would he do so next Session?

MR. ASSHETON CROSS, in reply, said, that his attention had been called to the number of cockfights which had been fought in many parts of the country. He had been in communication with the chief constables of various counties upon the subject, and they had undertaken that every possible precaution should be used in order to prevent the spread of cock-fighting. He was quite aware that under the present Act of Parliament it was difficult to convict accessories unless the cockfight occurred in "a usual place." No practical inconvenience resulted, however, from this cause, because a conviction could be procured under other provisions in the Act. The great difficulty existed not in the Act of Parliament, but in finding out where the cockfights were held. He was sorry to say that one or two had come off in the Lancashire and Cumberland mountains, the passes of which were very hard to guard. He did not think that further legislation was necessary; but if he found that the Act of Parliament was really not strong enough to put down this sport, he should be prepared to recommend the House to alter the existing law.

ARMY—THE MILITIA BILLETING.

QUESTION.

MR. EARP asked the Secretary of State for War, Whether any, and, if any, what regulations are enforced in billeting Militia regiments called up for training, with the view to insuring decent and proper sleeping accommodation for the men; and, if he has any objection to procure Returns from head quarters bearing upon the subject, in order to inform the House at the earliest opportunity whether a proper regard is paid to the laws of health in procuring such sleeping accommodation?

MR. GATHORNE HARDY, in reply, said, the rules for billeting were in the Mutiny Act, but the billeting itself was provided for in the law relating to the Militia. The subject had attracted attention, not on the complaints of the men, but on the complaints of those on whom the men were billeted, and in such cases as were practicable, lodgings were procured for the men. As to the Returns asked for, he did not think they could be procured from head-quarters; they would be more properly furnished by the local sanitary authorities, who had the superintendence of these lodging-houses. When the Brigade Dépôt Centres were established accommodation would be provided there for the recruits, and it was proposed, as far as possible, that the men should be trained under canvas. Meanwhile, he feared that in the billeting of men some inconvenience would continue to be felt.

#### NAVY—H.R.H. THE PRINCE OF WALES' VISIT TO INDIA.—QUESTION.

ADMIRAL EGERTON asked the First Lord of the Admiralty, Whether it is true that considerable expense has been and is being incurred in the preparation of one or more of Her Majesty's ships for the visit of His Royal Highness the Prince of Wales to India; and, whether that expense has been provided for out of the votes; and, if not, when it is likely that the House will be furnished with information on the subject?

MR. HUNT, in reply, said, that some estimates had been made for preparing the *Serapis* for the use of His Royal Highness, but they had not been submitted in detail and had received no sanction. Some preliminary insignificant expenses had been incurred. There was no provision in the Estimates for such outlay; but at present the matter was not sufficiently ripe for the attention of the House, and he was unable to say on what day the attention of the House would be called to it.

#### INDIA—BURMAH—MURDER OF COLONEL HAMILTON. QUESTION.

MR. BEACH asked the Under Secretary of State for India, Whether any information has been received with respect to the murder of Colonel Hamilton by the Dacoits in Burmah?

LORD GEORGE HAMILTON: Sir, I am sorry to say we have received no information upon this subject beyond that which has already appeared in the public papers.

#### NATIONAL DEBT (SINKING FUND) BILL—[BILL 142.]

(*Mr. Raikes, Mr. Chancellor of the Exchequer*  
*Mr. William Henry Smith.*)

#### COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Chancellor of the Exchequer.*)

MR. J. G. HUBBARD, in rising to move the Amendment of which he had given Notice, said: Mr. Speaker—In his Budget Speech the Chancellor of the Exchequer prefaced his introduction of the "National Debt Bill" with these words—"There is no great cry or urgent necessity for any great reform in our system of taxation." To that statement I offer my emphatic dissent. So long as our Revenue is partly raised by duties upon professions, upon the transfer of property, and upon locomotion, and, above all, by the unequal incidence of the income tax, it cannot possibly be said that no great reform is needed in our fiscal system. But apart from such a presumed justification, I am quite ready to concur in the expediency of making a serious and formal move towards the reduction of the National Debt. It is very conducive to the successful discussion of any subject that we should be agreed in our definitions of the terms we use; and I venture to suggest that the name "Sinking Fund" is inapplicable to the proposed legislative measure. The Chancellor of the Exchequer, in introducing the subject of this Bill, claimed for his measure an immunity from the evils attending the Sinking Fund of Dr. Price. It could not be necessary for my right hon. Friend to disclaim any participation in the absurdity of supposing that you could borrow for a term of years at simple interest and lend at the same time at compound interest, and at the same rate. Dr. Price was not the inventor of the Sinking Fund. The earliest known in this country was designed by Lord Stanhope, and was constituted by Sir Robert

Walpole in 1716. It lasted 11 years and then collapsed, the funds which it comprised having been applied to the satisfaction of State exigencies. It is important to note the character of [that fund. In 1718, King George the First, in his Speech to Parliament, says—

“ I have the pleasure to observe to you that the funds appropriated for sinking the Public Debt have answered above expectation.”

Again, in 1724, he says—

“ It must be a very great satisfaction to all my faithful subjects, to see the Sinking Fund improved and augmented, and the Debt of the nation thereby put into a method of being so much the sooner gradually reduced and paid off.”  
—[*Parl. History*, vol. 8, p. 374.]

Sir Nathaniel Gould, an eminent merchant and a Director of the Bank, wrote, in his *Essay on the Public Debts of the Country*—

“ That the provision which had been made of the Sinking Fund was an expedient from which the full and effectual payment of the principal of the National Debt might, in a few years, with great assurance be expected.”

Dr. Price's Tracts were published in 1771 and 1774, and it was under his tuition that Pitt organized his Sinking Funds in 1786 and 1792, the first being the annual appropriation of £1,000,000, applicable, with its re-invested dividends, solely to the reduction of Debt, and the second being a Sinking Fund of 1 per cent on the capital of each loan contracted, and computed, with the aid of re-invested interest, to redeem the entire Debt in 45 years. In all these instances the characteristic of a Sinking Fund is found to be “ a scheme for the entire redemption or sinking of the Debt to which it relates.” Sinking Funds of this nature are part of the scheme under which loans, foreign or colonial, are negotiated in this country. The Sinking Fund may be a simple percentage, or a percentage improved by the interest upon the portion of the loan already redeemed; but, in any case, the creation of a Sinking Fund implies the absolute liquidation of the Debt. The Greek Loan of 1833, guaranteed by England, is an example of a Debt redeemed within 37 years through the progressive absorption of residue by a fixed percentage of the original loan. The passage from a speech of Lord Granville—which my right hon. Friend cited as a description of his own measure—fails to convey to my mind any confidence in its soundness. It begins—

*Mr. J. G. Hubbard*

“ Possessing an effective and permanent surplus, a State may maintain a Sinking Fund even at compound interest without resorting to still further taxation.”

Permanent surplus! Certain future! Who has the gift of prophecy? Had Lord Granville? Has my right hon. Friend? And yet no knowledge, save that of prescience, can warrant the assumption of a permanent surplus. Have wars ceased? Is your expenditure limited for all time to its present amount? Is your Revenue assured? Will you always be able to levy an iniquitous income tax, and maintain in the form of stamps and licences burdens upon the liberty of labour and obstructions upon the transfer of property? Your Revenue must be raised upon a very different system from the present before it can be spoken of as yielding in the future a “ permanent surplus.” But, Sir, there are necessary limits to prophetic finance—there is the practical inability to bind the actions of our successors, and there is the ignorance of the future. The vice of Dr. Price's scheme was that it deferred the actual redemption of any portion of the Debt, and so left the Sinking Fund and its accumulations at the mercy of a needy financier. The scheme of the Chancellor of the Exchequer is different in character, and ought not, I think, to be called a Sinking Fund. It has no distinct relation to the “ sinking ” or entire redemption of the Debt; it is rather a Redemption Fund of a very extensive and ambitious description, and it is, in my judgment, open to insurmountable objections. Those objections are—firstly, the extent of the redemption aimed at; secondly, the hardship to the taxpayer doomed to continued and unmitigated taxation, while the Debt is being, through his self-denial, seriously diminished. In his Budget speech, the Chancellor of the Exchequer complained of the spasmodic action of the Terminable Annuities as a medium of redeeming Debt, and instanced the falling in of £4,500,000 in 1885, as constituting an inconvenience both to the Treasury and to the country. I quite agree with him in deprecating this spasmodic action—resulting, by the way, not from the use, but from the misuse of Terminable Annuities—but how does he guard against the inconvenience of an abrupt termination of a charge, not of £3,000,000 or £4,000,000, but of £13,000,000 or

£14,000,000? Perhaps he contemplates an uninterrupted progress of this accumulating Redemption Fund? If so, I venture to offer my remonstrance. On the part of the taxpayer, I stipulate that in any scheme of redemption the annual charge shall be mitigated to the extent of the interest on the liquidated Debt. It would be impolitic and unjust to the present generation that they should bear not only the burden of their ancestors' extravagance, but that also which fairly falls upon their posterity, without even the satisfaction of feeling that they are bravely and patriotically doing their duty. And next, Sir, as to the amount of annual redemption. It should be limited by two considerations—the burden to the taxpayer, and the convenience and practicability of the actual redemption. Well, Sir, with both these considerations in my mind I cannot contemplate a higher amount of continuous annual redemption than £5,000,000. I mean that the Debt shall be yearly reduced by £5,000,000, but that the charge upon the country shall also diminish by some £150,000, the interest of the extinguished Debt. I deprecate, as highly inexpedient, an attempt to operate upon a larger scale. It would be easy to raise the Redemption Fund—the difficulty would be in purchasing the Stock to cancel. At present, the casual surplus of £2,000,000 or £3,000,000 is, by judicious management, invested in the purchase of the funded Debt, without disturbing the market, or raising sensibly the price of Consols. And even £5,000,000 might at first be, with similar facility, invested; but every year the difficulty would increase; the floating Stock would be absorbed; the free Stock of monied corporations would be attracted by a rise of price; but within no distant period the demand would be met only by tempting trustees of settled monies to change their Government Securities for others to such an extent as their trusts enabled them to make the exchange. I will not attempt to indicate at what stage of the redemption the continued purchase of Government Debt would become impracticable, except upon very disadvantageous terms; but that such a stage would be reached is certain, and the more rapidly inasmuch as the notoriety of a State scheme for the continuous redemption of the Debt would of itself enhance the value of the Stocks,

and aggravate the difficulty of redeeming them. It must be remembered that whereas in the many Foreign Loans which provide a Sinking Fund, the material for redemption is secured by the operation of annual or biennial drawings, the obligations of our own Government are only to be redeemed by purchase in the market. I deprecate, then, the annual redemption of more than £5,000,000, as tending to a mischievous disturbance of the value of the Government Funds, and rendering the process of liquidation of Debt a very costly one. But I object, Sir, to the Bill of my right hon. Friend that in it he aims his shaft at a mark which it is beyond his strength to reach. "There shall be issued (so runs the Bill) during every subsequent financial year the sum of £28,000,000." Clearly these words, though positive, are powerless—powerless to bind any subsequent Finance Minister, or any subsequent House of Commons. They may be operative during the life of the present Administration, but no longer. Perhaps this is not wholly regrettable—the continuity of a particular policy should depend not upon its being irreversible, but upon its acknowledged merits. So far, however, as a particular mode of action can lead to an equable and continuous process of redemption, it becomes entitled to consideration and adoption; and undoubtedly the conversion of Perpetual into Terminable Annuities has received a large measure of intelligent approval, and has the merit of being an operation fixed for a given period beyond the reach of capricious change. It appears to me, that with a view to the results desiderated by my right hon. Friend, the instrumentality of Terminable Annuities might be used with entire safety, convenience, and efficacy. In the discussion on the Budget the opinion of the House was expressed in a distinct desire for a sensible reduction of the Debt, but objections were raised against each of the means hitherto pursued for that object. The application of the ultimate surplus of the year in the purchase of Stock was uncertain both in the extent and continuity of its operation. The requirement, by statute, of the appropriation of a given sum to the reduction of Debt, had no binding efficacy; and to the system of Terminable Annuities my right hon. Friend objected that their



action is spasmodic, and that they can be placed in the open market only upon terms so disadvantageous as practically to confine their adoption to the funds under the control of the Government in the Savings Banks. Those objections were all real, and if the Chancellor of the Exchequer desires again to see Terminable Annuities become negotiable, all that he has to do is to act upon this brief rule—"be honest;" do to the creditors of the State that which the State had required its debtors to do towards itself when it became the creditor. In 1846 the State lent £3,000,000 to landowners, repayable with 3 per cent interest in 22 years, and the landowners, following the example of the State, deducted from their annual repayments the tax upon the whole annuity. What did the State? In the Income Tax Act of 1853 the State provided that—

"Certain public monies had been lent repayable with interest by way of rent-charge and that it was just that provision be made for deducting the duty in proportion to such interest and no more."

This provision was equitable in itself; but then how it exposes the iniquity of the system which admitted the adoption of one measure for the creditor and another for the debtor of the State. I may illustrate the advantage forfeited through this imposition upon capital by reverting to the Terminable Annuities created in the year 1834. In that year the State, having decided to pay off one-fourth of the Debt due to the Bank of England, converted that sum, amounting to £3,671,700, into a Terminable Annuity of £212,783 12s., expiring in 1860. Had the Bank received payment in Reduced Three per Cents at 92½, the price of the day, they would have obtained an investment yielding an annual interest of £3 4s. 10d. per cent. The interest they derived from the Annuity was £3 7s. 2d., so that the State, for the slight difference of 2s. 4d. per £100, secured the great convenience of the Terminable Annuity; and I venture to say that if Terminable Annuities were taxed on interest only, Banks and other monied corporations would readily accept them in exchange for perpetual Stocks upon terms not perhaps quite so favourable as those I have cited, but still quite satisfactory to the Chancellor of the Exchequer. But for the purpose of the reduction of Debt, the Chancellor of

the Exchequer need not go beyond his City office in the Old Jewry; and I submit to his consideration a scheme which is free from all the objections which have been opposed to other means of acting upon the National Debt. It is independent of the casual surplus of the year—it is definite in the extent of its operation—its continuity could only be arrested by counter legislation, and it is free from the inconveniences of spasmodic action. The scheme which I submit consists in the combination of Terminable Annuities of 10 years duration, of which a portion annually expires, and is succeeded by a similar annuity of equal amount and of equal duration. To give effect to this scheme two clauses would suffice. Clause 1 would enact—

"That in exchange for £40,000,000 worth of Terminable Annuities now held by the Commissioners for the Reduction of the National Debt, there should be created, to the value of £24,500,000, Terminable Annuities of £500,000, terminating respectively in 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 years."

And for the remainder of the present Terminable Annuities held by the Commissioners, permanent Three per Cents should be substituted. The 2nd clause would enact—

"That every year the Bank of England should, upon the application of the Commissioners for the Reduction of the National Debt, issue an Annuity of £500,000 for 10 years in exchange for an equivalent amount in Perpetual Annuities."

Every year £5,000,000 would be the entire charge for the Annuities, and deducting £735,000 interest saved on £24,500,000, the equivalent value of the Three per Cents cancelled, the residue, £4,265,000, would be applied to the reduction of Debt. This process would continue independently of any further Parliamentary sanction until, if ever, it were arrested by counter legislation. I do not propose to enforce this scheme by any Resolution, for it is not my office to do so; but I place it at the disposal of my right hon. Friend for his deliberate consideration hereafter. The Resolution which I am about to propose is, however, a protest against the intention of the Chancellor of the Exchequer to require, without limitation of time, the appropriation of £28,000,000 to the charge for the National Debt—a scheme which would act with needless stringency upon the taxpayer, and which has, moreover, this insurmountable defect—that it

*Mr. J. G. Hubbard*

is impracticable. I beg, Sir, to move the Amendment of which I have given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "as reduction of debt implies taxation in excess of the requirements of the State for the services of the year, the pressure of the debt upon the taxpayer should be diminished to the extent of the interest saved upon the amount of debt previously redeemed,"—(*Mr. Hubbard*),

—instead thereof.

Question proposed,, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER said, that as far as he understood the arguments of his right hon. Friend he was forced to the conclusion that he had not understood the nature of the proposal contained in this Bill. There were one or two points which he would just advert to in the first instance. He admitted that his right hon. Friend had not thought it desirable to take the present opportunity for entering into a general discussion on the various points of the system of taxation that were open to and might call for amendment. It was not his intention when he made the observation which his right hon. Friend had quoted in his speech to say that the career of Financial Reform and Adjustment of Taxation had closed. What he meant to say was that we had now arrived at a time when we should consider that supposing the present prosperity continued and the wealth of the country continued to advance for some time in the same ratio as it had recently done, and supposing we should have a progressive advance in the Revenue, greater than the increase in Expenditure, there would be the means of gradually and quietly dealing with all those problems which required consideration and which might be disposed of. And he thought we had arrived at a time when we might fairly say that having the means we ought to devote some of our attention and some of our wealth to a continuous effort to reduce the National Debt. It was well to bear in mind the history of the past, and many of the lessons which his right hon. Friend had impressed upon the House deserved full consideration. He would not enter into the question whether Sinking Fund was or was not a misnomer. The old

Sinking Fund—by which he meant the system established in 1828—he thought, was exceedingly valuable. He understood his right hon. Friend to say that he admitted, to a considerable extent, the justice of some of the criticisms which he (the Chancellor of the Exchequer) had ventured to pass upon the present system of applying casual surpluses to the repayment of Debt, which was a very good system as far as it went, but which was open to difficulty—because it was very uncertain, and of late years there had been a tendency to cut down surpluses as much as possible. His right hon. Friend had made certain criticisms on his proposal, and then proceeded to explain the plan he himself was prepared to propose, and which he no doubt thought would be free from the objections he had urged against the scheme embodied in the present Bill. Yet his right hon. Friend's plan was open, except in the last point to which he had referred—namely, the gradual diminution of the burden on the taxpayer—to every one of the objections he urged against the Government plan, while all the advantages his right hon. Friend had found in his own scheme were capable of being attained under that now submitted to the House. His right hon. Friend's plan was the creation of Terminable Annuities, which were to go on in an endless series, year by year, for the purpose of redeeming a considerable amount of Debt. Did he understand his right hon. Friend to mean that these Terminable Annuities were to go on until we had redeemed as large an amount of Debt as was capable of being redeemed by that process? Were they to go on until they had redeemed £50,000,000 or £60,000,000 and then stop, or were they to go on in perpetuity? As he understood the matter they were to go on in perpetuity; and, if so, his right hon. Friend's scheme was open to the same objection which had been urged against his own. He presumed these Terminable Annuities were to be provided out of the surplus for the year, that was a permanent surplus; but unless his right hon. Friend possessed the gift of prophecy, which he denied to him, it was difficult to perceive how his right hon. Friend could look forward to a permanent surplus. If it was proposed to provide the annuities by borrowing, that would be exceedingly objectionable.

His right hon. Friend had said his plan had the special merit of being irreversible, except by the direct action of Parliament. Besides, it was pretty evident from some of his remarks that his right hon. Friend would like to get rid of the injustice which the mode of collecting the income tax imposed on the system of Terminable Annuities, and that he would make Permanent Annuities purchasable in the open market; but if that were done the matter would not be under our control, and we should have to find year by year the means of meeting the demands. But if they were not permitted to prophecy, where would they be when this continuous burden fell upon them year after year? They would have as much difficulty in dealing with it as they could possibly have in carrying out the proposal of the Bill, which after all was a measure calculated for the period in which he believed ourselves to be living. The Bill was intended to go on as long as the state of things remained favourable to its going on; but, of course, if a state of things arose in which it was inconvenient for Parliament to apply £28,000,000, or any other particular sum, to the abolition of the Debt, Parliament would, for good cause shown, make an alteration in the system. His right hon. Friend had referred to what was done in 1858 when an attempt was made to establish a Sinking Fund which would have operated on the Debt. What then occurred showed that the matter must be completely within the control of Parliament. This was, indeed, as clear as the sun at noonday, and he could not understand how his right hon. Friend could imagine that we should be putting ourselves under a burden too heavy to be borne. And here came the point on which he was satisfied his right hon. Friend did not understand the plan of the Government. His right hon. Friend thought we should find ourselves obliged at some future time to apply £14,000,000 in a year to the purchase of Stock. Well, he did not see the necessity of that. His right hon. Friend proposed a system of Terminable Annuities; but why should not such a plan be adopted together with that proposed in the Bill? In fact, he contemplated the adoption of a system of Terminable Annuities. Over and over again he had endeavoured to explain that the Government would name the

sum of £28,000,000 and within that sum would make such arrangements as might be desirable with regard to Terminable Annuities. In his right hon. Friend's plan he saw nothing inconsistent with his own, and he regarded it as being in a measure a very good plan and one which he was prepared to adopt. But to adopt his right hon. Friend's plan at a first jump would carry the matter over the point to which the House was prepared to go, inasmuch as it would involve in the first year an expenditure of £28,500,000. He was much indebted to his right hon. Friend for the suggestion which had led to his having proposed this particular Bill to the House. In a former discussion his right hon. Friend threw out something like this plan of a perpetual series of Annuities. He was very much taken with the idea and considered it carefully in the autumn. The result was that he proposed the plan now before the House with a view to enable himself, if necessary, to adopt a plan of that sort under cover of the total amount of £28,000,000 that would be applied to the discharge of the Debt. There was nothing in the Bill or in his intentions further from the truth than the idea that the Government were going to set aside the system of Terminable Annuities. When they were held up as being more important than anything else in the world, he might be led to speak slightly of them; but he did not deny that they were a most admirable system in a proper measure, though he desired to cure their defects. The difficulty in regard to them arose when the Annuities ceased. A large sum was then thrown on our hands, and there was a natural temptation to apply it to some other purpose than the extinction of the Debt. He trusted Parliament would maintain the payment of the really moderate amount of £28,000,000 a-year for the discharge of Debt. His right hon. Friend said the time would come when it would be impossible to get the Stock, because there was only some £5,000,000 of floating stock in the hands of the jobbers, and some £50,000,000 in the hands of persons who would be willing to part with it if it rose somewhat in price. Did his right hon. Friend mean to assert that if we bought up that £50,000,000 of Stock, we should have got to the limit of our tether in regard to the reduction

of the National Debt? If so, the objection told against his right hon. Friend's system of Terminable Annuities just as much as it did against his own. Whenever the time came that the Chancellor of the Exchequer of the day found he had paid off so much Debt that there really was no more Stock to be got, of course he would come to Parliament and say—"I have paid off as much Debt as in the interests of the country it is desirable should be paid off, and I think that now the Debt has been reduced to £650,000,000 it had better remain at that figure for ever and ever. In fact, it must remain, because I cannot find any more to pay off; and therefore we will now dispense with all those payments which heretofore we have been called upon to make." But did his right hon. Friend really think we should come to such a point as that? Supposing the effect of buying up any large proportion of this floating Stock was greatly to raise the price of Funds and to carry them up above par, there were other matters which might possibly suggest themselves. For instance, if we were to find that these funds of £600,000,000 or £700,000,000 had got up to 2 or 3 above par, a question would arise as to whether something could not be done in the way of reducing the rate of interest, and thereby relieving the taxpayer. All these things ought to be considered, and the House ought also to bear in mind the fact that while the Government were, on the one hand, doing what they could towards redeeming the National Debt and giving a certain impulse to the price of Funds, they were also endeavouring by other measures to open new channels of investment which would, to a certain extent, have the effect of giving a further opening to those persons who were now supposed to be so unwilling to part with their Consols. His right hon. Friend concluded with a proposition, of which he could not see the importance. If, argued the right hon. Gentleman, the Government were going to do this, they ought to do it in such a way as to afford some yearly relief to the taxpayer. In other words, they must contrive somehow or other to give back to him a little in respect of the Debt he was paying off. If that meant anything, we were in 1875 to arrive at a certain sum which we said we would pay in reduction of the National Debt, and

in the next year, 1876, the taxpayer would have to pay a little less than he had done in 1875, because a certain portion of the Debt would by that time have been redeemed. "Why," it was said, "apply more than was necessary now in the reduction of Debt in order that somebody 10 years hence might have a sensible relief from taxation?" Well, in the present year we were reducing the Debt by some £3,700,000. Why? Not in order that the Chancellor of the Exchequer in 1885 might have a good surplus, but for the national benefit; because we thought it a good thing for the country that at a time of peace and prosperity it should make a steady effort to reduce Debt. His right hon. Friend either meant that when they paid a sovereign they were to take back ten shillings, or he meant that they were to pay less and less year by year. Assuming the annual reduction of Debt by the operation of £500,000 annual surplus revenue, and assuming also the usual amount cancelled for Life Annuities, the annual reduction of charge would be at the rate of £39,000 a-year up to 1885, when there would come a reduction of £2,395,000, and in another year of £2,000,000 more, and the charge of the Debt would gradually fall from £27,000,000 to £21,600,000. That was a very pleasant prospect for those who came after us; but why should the present generation bear the burden unless for the benefit of the country? He confessed that he thought that even the plan, which had been called "spasmodic" had the advantage over that of his right hon. Friend. In 1860, when the Long Annuities fell in, the right hon. Gentleman (Mr. Gladstone) took the surplus arising from the cessation of the charge, and by means of it accomplished great fiscal reforms. It was a great operation, and without discussing the question whether it was better than a reduction of Debt, it was clear that by reserving yourself for great operations you might do some good. His right hon. Friend the Member for London said they might reduce the burden by £50,000 a-year; but what could such dribblets effect in reducing their liabilities? [Mr. J. G. HUBBARD: I proposed £5,000,000 a-year.] He was sorry he misunderstood his right hon. Friend. His right hon. Friend spoke of £150,000 a-year being gained; but if that was the limit of the sum to be gained



in the year it would, in his opinion, be absorbed in the expenditure. [Mr. J. G. HUBBARD: Oh, no.] Allowance should be made for the pressure that was put on the Chancellor of the Exchequer who was supposed to have a surplus. He protested against what might prove a very great temptation to laxity of expenditure. If they acted on the principle of the right hon. Member for Greenwich that, when there was a large sum falling in there should be a large operation of taxation, they got the *quid pro quo*; but he was not sure that that would be secured under the alternative proposal. He earnestly pressed upon the House that, in the immediate prospects of the country, £28,000,000 a-year was not an excessive amount for the country to pay for the reduction of the National Debt. It was an amount far short of that which our forefathers bore under circumstances of much greater difficulty, and which they bore cheerfully and without a murmur. Why were we not to be as courageous as they were, and make this very moderate effort, which would still yield very considerable results? The House would have in its hands the opportunity of stopping the operation of the plan, if circumstances changed and the public interest demanded that it should be stopped. Nothing, therefore, would be gained by adopting the suggestion of his right hon. Friend, except that it would stop the Bill; and he thought it would be against the feeling of the House and the country to stop a plan which had reduction of Debt for its object, and which it would be creditable for the country to adopt.

Mr. CHILDERS said, the subject was reduced into the simple question of a reduction of the National Debt; but that was a matter which was considered before they had any surplus at all. But without entering into that, he would address a few words to the Resolution of his right hon. Friend the Member for London, and the Motion of the right hon. Gentleman the Chancellor of the Exchequer. Looking at their plans, he could not say that he approved of them, and they seemed to him to neutralize each other. Both, in his opinion, were inferior in wisdom to the great principle laid down in 1829, which, in connection with the plan of Terminable Annuities, had proved perfectly successful, but which would be distinctly made less

efficacious by these changes. He hoped his right hon. Friend the Member for London would not feel offended with him when he said that in the first part of his speech he went through the whole system of the Sinking Fund, and that the second part of it was a criticism on the speech of the Chancellor of the Exchequer. But when he (Mr. Childers) came to the Motion itself, he confessed he did not see the force of it, nor how it applied.

Mr. J. G. HUBBARD wished to explain. His Motion was a commentary on the scheme of the Chancellor of the Exchequer—namely, that with a sum of £28,000,000, they would burden the taxpayer.

Mr. CHILDERS: The scheme of the Chancellor of the Exchequer neutralized the plan of the right hon. Gentleman the Member for the City of London. The difficulty was one which appeared to him insurmountable, and he preferred that they should take the law as it was with reference to the Sinking Fund, and that they should also take the law as it was with reference to the Terminable Annuities. In his opinion, the simple plan upon which they had been acting for so many years past was the best to follow. The Chancellor of the Exchequer, in criticizing the plan of the right hon. Gentleman, showed that it was obnoxious to his own scheme; and the right hon. Gentleman, on the other hand, showed that the scheme of the Chancellor of the Exchequer was obnoxious to his plan. The Chancellor of the Exchequer assumed a given surplus, and then said—

“By a series of steps during the next three years—steps of £300,000 each—I will gradually reach a certain fixed amount, and apply the difference between that fixed sum and the interest on the National Debt to the redemption of the National Debt.”

He thought that the Chancellor of the Exchequer had taken up shifting ground, though he did not mean to use the words in any offensive sense. In his Budget speech the right hon. Gentlemen distinctly proposed a plan which would work in a certain advantageous way not only for 10 years, but for 30 years, mentioning a certain number of millions which would be paid off in 10, and also in 30 years. That was an important speech, and it produced considerable excitement. The Funds rose 1 per cent

next day, and his plan was described as one which would reduce the National Debt by more than £200,000,000, having a permanent character, and working for 30 years. But what did the Chancellor of the Exchequer say now?—

“Although this is a permanent plan, yet it can be repealed at any time. Any future Chancellor of the Exchequer may interfere with its operation. Remember what was done in 1855 and 1858. In 1855 you established a Sinking Fund of only £1,000,000, and in 1858 you repealed that Act. My plan may be dealt with in the same way. Any future Chancellor of the Exchequer may follow the example of the present Prime Minister in 1858, and put an end to my plan.”

But the right hon. Gentleman could not blow hot and cold in the same breath; he could not claim for his plan that it was a permanent one, and also justify it on the ground that it might be rescinded at any time. The whole proposal was vitiated if he attached to it the qualification that, after all, he did not mean it was to last 30 years. Another objection to the proposal was that the Chancellor of the Exchequer was dealing prospectively with an assumed surplus of which there was no proof whatever. He was taking for granted that three years hence there would be a surplus of Revenue equal to nearly £1,000,000 beyond the ordinary surplus of £500,000 under the Act of 1829. In that respect the plan was open to every objection which the Chancellor of the Exchequer had taken to the plan of the right hon. Gentleman (Mr. Hubbard), and was utterly opposed to all the financial principles by which the House of Commons had hitherto been guided. It ran the risk of breaking down, and of thus seriously interfering with our chances of reducing the Debt. The plan also required that when in 1885-6 the Terminable Annuities fell in, the then Chancellor of the Exchequer should not apply any part of it to the relief of taxation under this permanent Act; he must apply the whole to the reduction of the Debt, and would be debarred from doing what his right hon. Friend (Mr. Gladstone) did in 1860—use the £2,000,000 of Terminable Annuities which then fell in in effecting great financial reforms. Surely it was better to deal with their surplus from year to year as it arose, and to leave the year 1885 to be dealt with as 1860 and 1861 had been by the right hon. Member for Greenwich. With regard to the

specific proposition of the Chancellor of the Exchequer, they had not that day had from the right hon. Gentleman the same disparaging tone in respect to Terminable Annuities as he had held a few nights ago.

THE CHANCELLOR OF THE EXCHEQUER explained that on a former night he had stated that within the limit of their £28,000,000 a-year they would be able to create as many Terminable Annuities as they pleased, and that, on the whole, there would be no objection to their undertaking those good and beneficial operations.

MR. CHILDERS said, that, although the right hon. Gentleman had qualified his remarks by some general expressions, they certainly left on the country the impression that he was not particularly enamoured with Terminable Annuities. That day the right hon. Gentleman had, however, adopted a somewhat different tone, consequent, perhaps, on what had occurred in last night's debate. Now, the Chancellor of the Exchequer would put Terminable Annuities upon a somewhat better footing, and he (Mr. Childers) would certainly not in the smallest degree blame him for that change. What was the main difference between the plan of the Chancellor of the Exchequer and the state of things which would exist under the present law, if they did not build up that new Sinking Fund? By the present law we should apply whatever difference there might be between the receipts and expenditure in reduction of the Debt by the simple operation of reducing Stock. In addition, this would be followed up by dealing with the Post Office Savings Bank Fund. If, however, a given sum were to be in the hands of the Chancellor of the Exchequer in any one year he might be induced to apply part of that sum in the reduction of taxation, and part in reduction of the Debt, by the creation of Terminable Annuities, instead of having Perpetual Annuities. It was proposed by the Chancellor of the Exchequer to apply in future years money which he had not yet got in the reduction of the Debt, and which money—if it should ever be in hand—would be applied in a somewhat similar way under the Act of 1829. An argument which had great weight with Members of the House was, that the proposed Terminable Annuities would, by a sort

of hocus-pocus, delude the public, and that the best way would be to apply any money which might come in directly to the reduction of the Debt by the purchase of Stock. It was thought that if—by a method of Terminable Annuities, or by having a fixed charge—we attempted to deal with the Debt, both these systems would fail when our finances should happen not to be in a good position. That was the position on which the Chancellor of the Exchequer's proposal was based; but he maintained that it was a position utterly opposed to their past experience. In 1855 they established a Sinking Fund almost identical with that of the right hon. Gentleman. Its amount was £1,000,000, and the present one was also very nearly £1,000,000. In 1858, the then Chancellor of the Exchequer came down to the House and said that that Sinking Fund was artificial; that the only sound principle for a Sinking Fund was the Act of 1829; he proposed to Parliament that they should maintain the Act of 1829; and in accordance with his recommendations the Sinking Fund established only three years before was absolutely repealed in a full House without a Division, and that £1,000,000 went into the Exchequer. The Preamble to the Act by which that was done ran thus—

“And whereas the issue, for the reduction of the Funded Debt, of fixed sums without reference to the relative amounts of the income and expenditure of the United Kingdom is inconsistent with the principle established by the said (10th George IV., c. 27) Act.”

He would ask the Chancellor of the Exchequer whether he proposed to put into this Bill words repealing that Preamble of the Act of 1858? They had had very important debates on the plans established since then in reference to Terminable Annuities. In 1867 there was more than one very interesting debate on the question of a Sinking Fund. In his Budget speech, in 1867, the Chancellor of the Exchequer (Mr. Disraeli) said—

“Now, if we admit that the only way of dealing effectively with the Public Debt is to deal with it by some specific amount which shall be charged upon the Consolidated Fund, there are only two modes by which we can operate. The first is by a charge of that character, voted annually, when the Financial Statement is made, the amount of which shall be employed in the purchase and cancelling of Stock and other public securities—in short, what is called a Sinking

Fund. Now, I have myself always looked with great disfavour upon that mode of operating on the Debt. . . . . There is another method by which the reduction of the Debt can be effected . . . . . you may convert Stock into Terminable Annuities.”—[3 *Hansard*, clxxxvi. 1116.]

In a subsequent debate in the same year the right hon. Gentleman also said—

“I will not attempt to show the House the difference between a Sinking Fund—which I disapprove—and the plan of Terminable Annuities.”—[*Ibid.* clxxxvii. 670.]

And further on he added that—

“The only way to regulate your Debt is by favouring, as much as possible, its conversion into Terminable Annuities.”—[*Ibid.* 671.]

The old Sinking Fund went down when time of pressure came; but what was the fate of the Terminable Annuities? A deficit arose, and it was proposed to interfere with the Terminable Annuities; but right hon. Gentlemen on both front benches disapproved of the plan, and the Terminable Annuities stood their ground, even although an extra penny of income tax had to be imposed. If there had on that occasion been a certain specified amount to be spent in the redemption of Stock in that year, that system would, like the Sinking Fund, have gone down. In 1871, also, there was supposed to be a deficit of some £2,000,000 or £3,000,000, and the proposition as to how to meet it raised a good deal of debate. Three separate attacks were made upon the Budget; but there was only one attempt to interfere with the Terminable Annuities. This last proposal, however, received no support from those hon. Members who usually took part in financial discussions. The present Secretary to the Treasury made a Motion against the increase of the income tax; but the Terminable Annuities stood their ground, in spite of an attack made upon them. The hon. Member for Finsbury (Mr. Torrens) proposed to take off a penny of the income tax; but the right hon. Member for Buckinghamshire came to the rescue with the Home Secretary, and protested against any interference with the Terminable Annuities, which, in fact, again stood their ground. He had given these illustrations to show that where a common Sinking Fund failed the Terminable Annuities had not failed; and he hoped that the House, instead of embarking in the scheme of starting a second Sinking

Fund, would adopt neither the proposal of the Government nor that of the right hon. Member (Mr. Hubbard); but would stand by the financial proposals by which we had been governed for the last 30 years and more. He trusted that they would maintain intact the Act of 1869 and the policy of 1867; for in this way they would be able to make perceptible attacks upon the Debt when it was for the interest of the public that they should make them, and that without hampering the Chancellor of the Exchequer in making, in the best possible manner, his financial arrangements.

MR. PEASE felt that that there was great difficulty in dealing with a plan of this nature when practically there was no surplus in hand; and he thought, therefore, that this discussion might well be postponed for another 12 months. Under the proposal of the Chancellor of the Exchequer they would have to levy taxation on the one hand to pay the Debt upon the other. No doubt there should be some scheme for reducing the Debt when we could afford it; but he could not understand why, when they redeemed an amount of Debt, the public did not at once benefit from the reduced amount of interest. Under this scheme, as time went on, we should annually have a larger amount with which to buy Stock, whilst each year there would be less Stock in the market. In this way the price of the Stock would go up constantly and the fund for investment increased, the tendency being always to raise the price of that which we had to buy. The Chancellor of the Exchequer had said that if stock went above par he could reduce the interest; when there had been such general objection to reducing the interest allowed by the Government upon Savings Banks deposits, what would be the feeling of reducing by Act of Parliament the interest on the National Debt? It was simply confiscation, and he hoped it was the last time a Chancellor of the Exchequer would broach such an idea. The real question before the Committee was whether it was right to establish such a Sinking Fund as that now proposed by the Chancellor of the Exchequer; and for his own part, he considered that the plan was a most dangerous one.

MR. LOWE remarked that some Members who did not very cordially approve of a Sinking Fund, might never-

theless, give the Government their support on the ground that the scheme was, after all, only an experiment, and that, if it did not do much good, it would not do much harm. That was a very natural view to take of the matter, but it was not a correct one. In managing the affairs of the country they ought never to lose sight of economy. The constituencies did not seem to put much pressure on their Representatives in this respect; in fact, it was much easier to get pressure in favour of increasing expenditure than in favour of reducing it. Nor could Ministers always be trusted to keep down expenditure, for a Minister's first object was generally to make his Department efficient. There was one person, however, to whom they might look as having an interest in being economical—namely the Chancellor of the Exchequer. It was so for the simple reason that if economy was not practised, it was he who had to bear the abuse and the difficulty. That Minister had constantly before him that, if he gave way to what often seemed fair and reasonable requests, he might have to impose fresh taxes—a thing which every Finance Minister regarded with the utmost aversion. The proposal now was that, although the account might not balance, there should be an alternative offered between a deficit and the laying on of fresh taxes—namely, the provision of a sum of money to be applied to the reduction of taxation, which sum might, by a single stroke of the pen, be turned into the Ways and Means for the year. As far as that consideration had any weight, it was a direct encouragement to extravagance in the management of the public funds; and therefore this measure was not the innocent thing that might do some good and could not do much harm. It had a tendency to increase the public expenditure by removing the motive for its being kept in order. With regard to the past history of Sinking Funds, it was not confined to the foolish delusions of Dr. Price and those who immediately followed him. Take the case of Sir Robert Walpole's Sinking Fund, which was of a reasonable character, involving a legitimate operation. The Act under which that Fund came into existence was so framed as to make it appear impossible to apply the money in any other way than that prescribed without a direct breach of the law; but



in the result the Fund was appropriated for the purpose of keeping down taxes and meeting ordinary expenditure. In their nature there was no distinction between the present proposal and that of Sir Robert Walpole, and surely it would be most unwise and undignified to enter upon a course which all experience had demonstrated could end only in one way—namely, in laying hands upon the Fund and appropriating it as Ways and Means. As to the question with regard to Terminable Annuities, he was happy to think that the right hon. Gentleman had modified his views upon it. In making these Annuities the Chancellor of the Exchequer occupied both sides of the contract, but it was in different capacities, in which he was bound to act fairly for both parties. When once he had made them he had no power to recall the Act. It was said Parliament had the power, and so, no doubt, it had; but it could only exercise the power by overruling the solemn act of a public functionary—by an act of force—rather than by an act of right. The right hon. Member for the City of London (Mr. Hubbard) had made a Motion and submitted a scheme, and although one or the other taken by itself might be very good, yet together they could not stand. The right hon. Gentleman maintained in his Motion that whatever Debt was paid off the public ought to be benefited by the remission of taxation to the amount of the interest on the Debt paid off. He (Mr. Lowe) did not know what connection there was between the two; but the right hon. Gentleman having established it in his own mind he then proposed a scheme of Terminable Annuities—that was, an uniform payment for a series of years, the elements of which it was made up varying from year to year. The House was being asked to adopt a singular course of procedure in this matter. In 1875 the Government of the day was asking this Parliament to dictate to the Parliament of 1885 the mode in which they were to deal with the National Debt. That was a very serious course to take. What would the Parliament of 1885 be likely to say of the action of that of 1875? Would they not lay claim to more knowledge on the subject than the present Parliament could have, and say it was they, and not we, who were responsible? Then, too, would they not very reasonably inquire

*Mr. Lowe*

what title the present Parliament had to take upon itself to lecture and dictate to the Parliament of 10 years hence and say that they must pay £5,000,000 of the National Debt? We should not occupy a dignified position in the debates of 1885. They would ask what sacrifice we made, and would find we had subscribed £185,000 that we had not got. The present Parliament was in the position of the clergyman who having preached an eloquent charity sermon, borrowed a shilling from the churchwarden's plate to make a contribution to the collection. The Chancellor of the Exchequer reminded him of Timon of Athens—

“ His promises fly so far beyond his state,  
That what he speaks is all in debt; he owes  
For every word.”

All his propositions were based on the future. We might have applied £5,000,000 to the Debt last year, and that would have been some warrant for dictating to the Parliament of 1885; but the Chancellor of the Exchequer then preferred to take off taxes. It was strange that the right hon. Gentleman should say—“ We will spend every farthing we have: now let us pay off the National Debt.” His (Mr. Lowe's) humble advice to the Chancellor of the Exchequer was that he should take the opinion of the First Lord of the Treasury, who had laid down most excellent doctrine on this subject whenever he had the opportunity of doing so. Let him, before he thought about paying off the National Debt, create for himself a surplus; when he had got one let him pause and see if he could get another surplus. It would then be time for him to think of paying off the National Debt, because there would then be something towards paying it off; and when he had something for that purpose and had done more in the cause of economy than merely utter words in praise of it, then, and not before, it would be time for him to insist on his orders being executed by Parliament at the end of a period of 10 years from the present time.

MR. GLADSTONE: Mr. Speaker, it appears an extraordinary thing to me that Gentlemen on the Treasury Bench who are entitled to make a speech, and who, it appears to me, are bound to make a speech—as far as binding obligation can be said to arise out of arguments of great importance in opposition

to measures proposed by them, which have been made on this occasion—are treating these arguments as if they thought them quite unworthy of answer. Without going over the ground again which my right hon. Friends in particular and other Gentlemen have covered in this debate, I may say they have traced the history of Sinking Funds based upon fixed appropriation beforehand in this country during a century and a-half; and they have shown that the history of those Sinking Funds has been uniform failure. They have shown that the authority of all recent Parliaments has been adverse to those Sinking Funds; and they have shown that among the financial authorities which have condemned those Sinking Funds is the authority of the right hon. Gentleman the present First Lord of the Treasury, and the head of the Government that is now proposing to revive them. The Chancellor of the Exchequer has stated that he himself undoubtedly voted against the principle of Sinking Funds of this kind in 1855. He likewise, in 1858, was Secretary to the Treasury.

THE CHANCELLOR OF THE EXCHEQUER: No; I said I was not in Parliament at the time.

MR. GLADSTONE: I beg your pardon; I was mistaken. The right hon. Gentleman has given us to understand that he expresses the conversion through which he had passed in his work on Financial Reform. I do not find there the evidence of that conversion. If the evidence were found there, where is the conversion of the First Lord of the Treasury? The right hon. Gentleman the First Lord of the Treasury has distinctly on principle condemned a Sinking Fund of this kind, and we have never been given to understand that his mind has undergone any change, and still less that he has been able to find answers to the excellent arguments he made in former times when he proved the inutility and inexpediency of Sinking Funds of this kind. That has been set forth with great fulness and quotation of authorities in the course of the present debate, and surely cannot be deemed to be entirely independent of the issue before us. We are now discussing a Bill for the establishment of a Sinking Fund, the importance of which cannot be denied any more than the relevancy of the arguments we have

heard; and it appears to me that respect to this House requires that the argument on the side of the Government, if there be an argument, should be stated and defended; for the silence we have observed leaves room for no conclusion whatever, except that there is no argument at all, that the authorities cannot be denied, that the facts are not to be impeached, and that that docile majority which has done so much for the Government on various occasions has still a fund of patience unexhausted, and is available to march into the Lobby with the majorities which, even when reduced to their lowest point, come within one of the Thirty-nine Articles. I will not add a word to the argument of my right hon. Friend except this—that English experience and authorities have been quoted, and I do not think I abuse the patience or time of the House when I mention the authority of a distinguished French economist, whose attention was drawn—not from this side of the water—to the recent discussions on this subject. I mean M. Michel Chevalier, the well-known firm and conscientious adherent of the Empire which fell in 1870, and therefore one who had every disposition to maintain and support the system of finance which was established during the period of the Empire. He has written to me to say he had read these debates, and he traces the manner in which the system of Sinking Funds based on the principles now proposed for your adoption had been embodied in the law of France, and had signally failed—

“Throughout the whole reign of the Emperor the National Debt was in a constant state of growth; and throughout the whole reign of the Emperor, side by side with the growth of the National Debt, there was the existence of the Sinking Funds.”

The praise of good intentions is always to be carried to the proposals of these Sinking Funds; but the misfortune of having these good intentions, and of giving them form, is this—that they induce people to believe that they have done something for the public service and the reduction of the Debt, when they really have done nothing whatever—to suppose themselves to have done something real when they have made an imaginary sacrifice to economy and public interest, for which, unfortunately, they are much more disposed to compensate themselves by substantial addi-

tions to the public expense. The point, however, on which I wish to say a few words is one which has been little touched on in this debate. I myself have said, and say again, as far as regards prospective Sinking Funds, much as I mistrust them, if the House chooses to adopt them, I earnestly hope my right hon. Friend will succeed, which I am afraid he will not. But I shall be glad if he does succeed in getting public money applied in that way to the payment of Debt. The payment of Debt is an object so good, to get the money *quocunque modo*—any way—is better than no way; but the difficulty is that you do not get the money at all. But there is another branch of this question entirely distinct from the main object of the Bill and the prospective Sinking Fund, to which I would for a moment call the attention of the Government and the House. I adhere entirely to the arguments made from this side of the House on the general and prospective operations of the Bill, which have placed the subject fully before the House. Now, I want to speak on that portion of the operation of the Bill which has reference to the present year. And here, Sir, a perfectly different principle is involved. The objection to the prospective operation of the Bill is that in that prospective operation of the Bill we are unwisely, illegitimately, ineffectually attempting to bind the discretion of those who are to come after us. The objection to the operation of the Bill which affects the present year is totally distinct. That undoubtedly is not binding the discretion of those to come after us by exercising a power which we are incompetent to exercise. It is a matter thoroughly within our competency. But what I wish to know is whether any power which we legitimately possess we are about to use in a legitimate manner. I object to all appropriations of money for the reduction of Debt which are totally visionary and unreal, and in respect to which the money has not been shown to exist for the purpose. I have endeavoured to show that there is no possible reason from this point of view, or from any point of view, for maintaining in the Bill the words which are in the eighth line of the first page, and which provide, “during the financial year ending March 31, 1876, that a sum of £27,400,000 shall be appropriated for

Mr. Gladstone

the payment of Debt,” or, in other words, that £185,000 shall be voted out of the service of the present year for the reduction of Debt. My contention is this—and it is invincible upon the grounds of Parliamentary practice and general policy—that you have no right to vote that money until you have shown you possess it. The Chancellor of the Exchequer has not shown that he does possess it. He has shown us a surplus of £416,000, against which there are three charges—£60,000 for the Brewers’ Licences, £70,000 balance on the interest of loans, and £118,000 for Irish education—making a total of £248,000, and leaving a balance of £168,000 to pay £185,000. He is, therefore, positively calling upon the House to vote away money which he has shown he does not possess, and that is a violation of one of the cardinal principles necessary to maintaining, not only the responsibility of the government of this House, but the character of this House in the face of the people. But this is not, by any means, the whole case. While I admit there is a *prima facie* surplus of £168,000 to his credit, he has got other charges, besides the £185,000, which he will have to meet, though the amount of these charges has never been told us. Why have we not heard what is to be the excess of the Vote on Irish education this year, in addition to the £118,000? Then there will be other supplementary Estimates, so that this £168,000 is more than pledged for them alone. It has been said, however, by the Chancellor of the Exchequer—and this is very far from mending the matter—“Oh, but I have submitted very moderate Estimates. My Estimates of the produce of the Revenue are moderate, and I shall have money enough to meet these charges.” I am sorry to say that, in my opinion, that is the commission of a fresh offence—I do not use the word offensively—on the part of the Minister of Finance. He produces to us certain figures of Revenue and charges, and what is the use of these figures if they cannot be taken as the basis of our proceedings? When it is shown, however, that these figures will not justify the charges which the right hon. Gentleman is about to impose on the public and the sum he calls upon the House to vote, he says,—“Oh, I have another set of figures *in petto* different from those I

have presented to you. That which I presented to you was not the real Budget. I shall have more Revenue than I have told you. I shall have a larger surplus, and I shall spend less than I have told you," and it is upon this presumed larger surplus that the Government rely when they call upon us to make this appropriation. Now, it is impossible to conceive a more complete and radical destruction of all the principles upon which all finance has been conducted by all Governments in respect to their relations with this House than is involved in this proceeding. It is a totally different thing when in the course of a financial year unexpected charges arise. My right hon. Friend has referred to the year 1860, when there was a deficiency of £1,300,000. That is perfectly true; but the Budget of that year was introduced in February, and it presented a surplus; but in July we had to provide £5,000,000 for the China War. Of course, it was quite impossible that any Chancellor of the Exchequer could in his Budget cover all the contingencies of the year; but it is right he should cover all the circumstances of which he is aware, and also the contingencies which he knew to be so probable that he was virtually aware of them. It is in reference to that one great cardinal annual arrangement that I say this House of Commons may as well abandon financial control altogether, and exclude from the circle of its duties the business of balancing public receipts and expenditure, as accede to a system of action under which the Chancellor of the Exchequer is to present to us certain figures as his Estimates of Revenue and charges, and at the same time say,—“I will not be governed as to the sums I shall call upon you to pay by these estimates which I have presented to you, for I have other knowledge in my breast, upon which knowledge I shall request you to frame a scheme of appropriation.” But let us suppose there is no value in any of these arguments, because general rules and principles may be beneath the notice of this philosophical age, which has made such rapid progress in wisdom. Let me ask, apart from what I have said, what in the world is the use of this provision in the Bill for the present year? It is of no use whatever under any possible circumstances. If my right hon. Friend has not got the money

—and that he cannot know absolutely until the close of the year—then clearly the provision is very inconvenient, because it will compel him to make a purchase of stock with a view to redemption; while, on the other hand, he will be compelled to create stock in order to meet his deficiency. But, supposing my right hon. Friend has the money, the provision will be absolutely useless, inasmuch as the money is already appropriated, and, as surplus Revenue, it will go by the law already existing, to the payment of Debt. I think, whatever may happen, even if the House approves of the principles of this Bill, that the Government will see no advantage in persevering with a provision of this kind; but, at any rate, so far as I am concerned, I assure the House, if they are determined to go on in the course of these opinions, it is by no means from any disposition to create inconvenience to those who are charged with the conduct of Public Business, but because it is the business of those who see valuable principles neglected and valuable rules contravened, to place upon record their deliberate protest against such methods of proceeding; and these methods, even if faulty and unfruitful at the moment, yet become the record in after times when a better, or at least, a different spirit may have arisen, and when there is a disposition to renew the exercise of the old rules and principles upon which the satisfactory discharge of the duties of this House towards the constituencies of the country is necessarily maintained.

MR. DISRAELI: I regret very much I was not present at the commencement of this debate. That, however, arose from no negligence on my part, but from circumstances over which I had no control. There was also another reason why I thought I might stay away with impunity, because the Motion before the House was to go into Committee, and I did not anticipate we should have a discussion upon the principles of the measure, which it appeared to me had been amply debated on the second reading. [Mr. CHILDERS: There was no debate on the second reading.] Oh! I presume, because right hon. Gentlemen opposite could find no objection to the principles of the Bill. The right hon. Gentleman the Member for Greenwich (Mr. Gladstone) accuses me and others



on this Bench of silence. Now, I trust that we shall soon go into Committee, when there will be ample opportunity to enter into a discussion of those details which the right hon. Gentleman referred to in the close of his speech, and which I think are eminently adapted to discussion in Committee. As my conduct has been adverted to with reference to the subject, and with respect to certain things which are involved in the question before us, I must ask the permission of the House to make one or two remarks. It is perfectly true that I have, on principle, opposed what are called Sinking Funds. My general opinion is much the same as it always has been, founded rather on historical experience than on experience in our own times; but I have seen Sinking Funds established and properly and efficiently worked in very modern times, for I cannot make any distinction between a Sinking Fund and the establishment of Terminable Annuities. I know there is one right hon. Gentleman on the Bench opposite who will maintain there is a distinction; but I confess I always viewed both forms in which the payment of Debt is effected as being founded on the same principles. It is impossible to deny that in recent times we have seen an application of the principle of Terminable Annuities for the reduction of the Debt which has been successful. It was certainly assailed; but I was one of those who upheld the arrangement, although it was made by those opposed to me in politics. I thought the experiment was safe so far as we had experience of it, and I thought it ought to be upheld. I afterwards pursued a similar policy and, effected on a considerable scale a reduction of Debt by establishing Terminable Annuities. Therefore, I might certainly plead those instances as a proof that, whatever my general opinion may be on the main question, I am not so prejudiced as to shut my eyes to the merits of any scheme which gives us a possible chance of the reduction of Debt. In regard to the case so often brought forward by the right hon. Member for the University of London (Mr. Lowe) as to my abolition of a Sinking Fund, I would recall the attention of the House to the fact that at the time when I was Chancellor of the Exchequer there was a great deficiency—I will not charge my memory with the amount, but it was a

deficiency of millions, partly occasioned by the demands of the Sinking Fund for that year, which could not have been less than £1,500,000. I was called on not merely to maintain the Sinking Fund which had been established during the war by Sir George Cornwall Lewis, but I was called on to impose new taxes to maintain that Sinking Fund, and I declined, and I should decline under similar circumstances to-morrow. I do not think it would be wise to impose new taxes for such a purpose under any circumstances. If the right hon. Gentleman opposite (Mr. Gladstone) were in my place and had to maintain any system he had established for reducing the Debt by means of Terminable Annuities, he would, if he possibly could, maintain the system so established; but he must acknowledge there is a great difference between maintaining a system for the reduction of Debt by Terminable Annuities, so far as the facility of appealing to Parliament is concerned, and being called on to impose a large amount of taxes to support a Sinking Fund recently established. At that time our expenditure on the Debt was £28,000,000 and upwards, and I was asked to increase it to nearly £30,000,000. It is all very well to argue on general principles, which the right hon. Gentleman has very properly vindicated; but there are such things as common sense and common necessities. I deny the propriety of taking an extreme case like that to which I have referred, and saying that it is to be the foundation of our general conduct in the management of our finances. Then the right hon. Gentleman says there is a second branch of this question of much importance—one partaking of the nature of those general principles which certainly are not to be conveniently discussed in Committee, and that is that he opposes the appropriation of a fixed sum, £185,000, by the Chancellor of the Exchequer to the reduction of the Debt, or the establishment of a Sinking Fund, whichever you may please to call it, when he has not got a sufficient surplus to justify that proposition. Well, the surplus of the Chancellor of the Exchequer was not a very large one, and I can easily understand that the right hon. Gentleman opposite, who has been so fortunate in his financial arrangements, may look with great contempt upon our estimated surplus for this year. Upon

*Mr. Disraeli*

that surplus, as he remarked, there are certain demands, and although on the Budget night circumstances made it impossible to place those demands precisely before the House, and although it is possible there may not have been a remainder from that small surplus of £400,000 or £500,000 to absolutely furnish the £185,000 which the Chancellor of the Exchequer proposed to appropriate to the reduction of the National Debt, still the Chancellor of the Exchequer said he was ready to take the responsibility. He had not allowed for any natural increase in the revenue in his Financial Statement this year, and therefore he was prepared to recommend the House to sanction that appropriation. The right hon. Gentleman upon that takes the opportunity to denounce, in very strong language, the conduct of the Chancellor of the Exchequer. He says that he had placed figures before the House which—after that subsequent declaration on his part that he had not a surplus sufficient to justify the appropriation—were no longer any basis for the House to form an estimate upon if he looked at the natural increase of the revenue; but it must be remembered that the right hon. Gentleman himself always took into consideration the natural increase of the revenue, and admitted it into the figures which he placed before the House; and, although I acknowledge there is a certain distinction, it is a distinction only between the two processes—that pursued by the right hon. Member for Greenwich, and that pursued by the Chancellor of the Exchequer. The right hon. Gentleman always took into the figures which he placed before the House the natural increase of the revenue. The Chancellor of the Exchequer thought fit—and he had good reasons for it, from observations made in this House and from other causes—not to take that increase into his account, and he frankly announced to the House that he had not done so. Therefore, to pretend that for that reason the figures he placed before the House were utterly deceptive, misleading to the House, and striking at the root of all sound finance, is, I will not say a monstrous exaggeration—which was the epithet of yesterday—but one of those exaggerations which such a great orator as the right hon. Gentleman need not condescend to adopt, although sometimes even he consents

to avail himself of those illegitimate weapons. The House, I trust, will now go into Committee, and consider the minutest criticisms of the right hon. Gentleman and his late Colleagues. What I hope is that there is an earnest desire on both sides of the House to use their utmost efforts to reduce the public Debt of this country; and I feel convinced that, if we reject this Bill by adopting the Amendment of the right hon. Member for the City of London, who sits on this side of the House, we shall be striking a great blow at that policy which I believe the country and the public opinion of the country favour.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

*New Sinking Fund.*

Clause 1 (Amount of permanent annual charge for National Debt).

MR. GLADSTONE moved the omission of words the effect of which would be to prevent the appropriation of £185,000 towards the reduction of Debt from the revenue of the current financial year. If the Chancellor of the Exchequer had really framed his Estimates deliberately rejecting the natural increment of revenue he had done what had never been done before, and what should have been stated to the House in the fullest detail. But no such thing was done. It was not open to Chancellors of the Exchequer to present Estimates on their own arbitrary will; they must, in the main, take their Estimates from the Heads of Departments. If the Chancellor of the Exchequer had altered his Estimates he ought to have said so in the clearest manner. The Prime Minister had now expressly admitted that probably the charge of £185,000 would not be covered by the Estimates.

Amendment proposed, in page 1, line 8, to leave out from the word "During," to the word "and," in line 11, both inclusive.—(*Mr. Gladstone.*)

THE CHANCELLOR OF THE EXCHEQUER said, the right hon. Gentleman enjoyed a great advantage from the high position he occupied in the House and

the country which enabled him to lay down *ex cathedra* general rules suited to every occasion, to be accepted as canons from which it was impossible to depart without going extremely wrong. Unfortunately, however, he (the Chancellor of the Exchequer) could not always accept the rules laid down by the right hon. Gentleman, because it frequently happened they were not quite consistent with each other. At one time it was the habit of the right hon. Gentleman to estimate the revenue without reference to the increase of population and prosperity. When in Opposition it had been his (Sir Stafford Northcote's) business to pick holes in the Budget and prove that the Chancellor of the Exchequer had no surplus; and he knew, therefore, how far it was usual to go in this way. Last year, however, he found himself in office, the map of the country having been laid out by his right hon. Friend and traced with lines of great breadth and boldness, and making a larger estimate for the natural increase of revenue than was usual. His own Budget was framed upon these lines. He was then charged with doing an imprudent thing, and when, in defending himself, he referred to the Estimates of Heads of Departments he was told—"Never quote Heads of Departments. You must not shelter yourself behind them. The Chancellor of Exchequer is responsible. By any other theory you would be violating the principles of our Constitution." Upon the whole, the Estimates of last year were realized. Nevertheless, he was severely taken to task for not adopting less sanguine and more prudent Estimates. In framing the Budget of the present year he told the Heads of Departments—"We do not want excessive Estimates; we must take care to be within the mark;" and the Estimates accordingly were not as sanguine as those of last year were. In his Budget statement he told the House there would be some Supplementary Estimates, but not more than would be covered by the anticipated excess of revenue; and when any Supplementary Estimates were presented he meant to justify his statement. The right hon. Gentleman said:—"If you have a surplus you do not want this appropriation." By that Bill they were proposing to establish a new system of applying surpluses; and there was a dis-

tinction between the mode of applying the £185,000 under the old Sinking Fund and the new. Under the former the surplus of the year was applicable to the redemption of deficiency bills, while under the latter it would be otherwise. With regard to binding Parliament in future years, the doctrines put forward were in themselves most extravagant, and, taken in connection with the action of those who put them forward, they were most unreasonable. If they created £20,000,000 or £25,000,000 of Terminable Annuities, would they not be equally binding Parliament in future years to find that sum? When it was said that if they brought up the charge for the Debt to the moderate amount of £28,000,000 a-year they were not sure that there would be revenue to cover that expenditure, he answered that it would be the duty of the Chancellor of the Exchequer to see that there was such a revenue. He need not pursue the matter further, as it had been thoroughly threshed out, and the very point raised by the right hon. Gentleman had been debated two or three times.

MR. GOSCHEN said, he did not recollect the occasions on which this matter had been discussed, as the second reading of the Bill was passed without debate, and they had only had half a debate on it upon the Budget night. A measure of that importance, dealing with such enormous figures as £28,000,000, was one well worthy the serious attention of the House and the country. If he understood the Chancellor of the Exchequer correctly, the right hon. Gentleman thought he was able to dispense with a surplus, and even to face a deficit if it were incurred by that year's payment for the Debt, because he relied on the normal growth of the Revenue. If that doctrine was to be maintained it amounted to this—that future Chancellors of the Exchequer would be relieved from the necessity of providing a surplus, and of course the process of paying off Debt by means of their surplus revenue would cease from the moment that principle was adopted. Would the right hon. Gentleman inform them what was the growth of the Estimates which he now anticipated? The right hon. Gentleman had told them he could not say whether there would be an increase in the Excise or in the Stamps, but that he expected a normal increase. A more

vague declaration in order to induce them to vote money had seldom been made to the Committee. They ought not to vote money for the repayment of Debt before they had seen whether that money was available. What the Chancellor of the Exchequer proposed was that this year we should pay a certain sum, next year so much more, and a vastly larger sum in six or seven years time.

THE CHANCELLOR OF THE EXCHEQUER denied the statement of the right hon. Gentleman opposite that they were paying off no Debt this year. They were paying off upwards of £3,000,000 of Debt. [Mr. GOSCHEN: Not by this Bill.] They were not imposing burdens on their successors which they were not prepared to place upon themselves. They simply proposed that £28,000,000 a-year should be devoted to the National Debt; and if more of that sum was applied to paying off Debt in future years it would be because the Debt was going on decreasing. The right hon. Gentleman asked whether he was prepared to say what his estimates of Revenue were. He was prepared to give them, but that was not the moment for doing so. He had given the Estimates as they stood upon the Paper, and asked that they should be taken into consideration. They showed a surplus of £200,000, and when Supplementary Estimates were proposed he would show how they were to be met. Hon. Gentlemen had no right to anticipate those Supplementary Estimates until the Government told them what they were—[Mr. GLADSTONE: Hear, hear!] and what means they would have of meeting them. This rule, upon which right hon. Gentlemen were insisting, was of an intermittent character. On the 25th of March, 1872, when the Financial Statement was made, his right hon. Friend the President of the Local Government Board (Mr. Sclater-Booth) said that—

“Although the right hon. Gentleman estimated his surplus at little over £300,000, he gave the Committee to understand, with some complacency, that it would probably be his duty to propose later on in the year a Supplementary Estimate of £400,000”—[3 *Hansard*, ccx. 635]—

to which the Chancellor of the Exchequer replied—

“That is quite true. But, on the other hand, I have taken no credit for the corresponding increase on the other side, which will make up

the deficiency, and more than make it up.”—[*Ibid.* 638.]

MR. CHILDERS asked whether the Chancellor of the Exchequer intended this year to follow the custom for many years past of submitting a statement of receipt and expenditure, of which the first column gave the items of the Budget Estimate of the receipts?

THE CHANCELLOR OF THE EXCHEQUER said, it was his intention to do so. But the Estimate for the Budget had for some reason or other not been put in. In other respects the Return was the same.

MR. CHILDERS wished to ask this further question—whether the right hon. Gentleman intended to put into the first column of that Return the Budget Estimate of receipt, and in the corresponding column of expenditure the actual expenditure?

THE CHANCELLOR OF THE EXCHEQUER said, perhaps the right hon. Gentleman would wait until he should lay the account on the Table.

MR. GLADSTONE said, that this was a matter that ought not to be left in obscurity; but everything he had heard from the Chancellor of the Exchequer on this subject was of a nature to induce him to enter a protest upon the course he was adopting. He felt quite sure that unless something more were stated by the right hon. Gentleman great confusion would arise in future years with respect to what was called the normal increase of revenue. The question was, how far was the right hon. Gentleman justified in anticipating it? He could only say he had never taken it into view, except in so far as it was included in the figures submitted to the House, and it was absolutely necessary to solid and creditable finance that the normal increase of the Revenue, so far as it could be ascertained, should be anticipated in the figures submitted to the House by the Chancellor of the Exchequer. He had no right to submit a set of figures to the House and say—“Besides these figures, I anticipate, but will not state to you, a normal increase.” The fact is he (Mr. Gladstone) did not know what was meant by a “normal increase” of the Revenue. He had spoken himself of the average increase of the Revenue; but if by a “normal increase” was meant an annual increase of the Revenue he was aware of no such increase. The



circumstances of the time, years of difficulty or calamity, might prevent any increase at all. What he wished to insist on was the necessity of holding the Chancellor of the Exchequer to the figures of his Budget. The right hon. Gentleman laid down a totally different principle—namely, that when he made his annual Statement it was the duty of the Chancellor of the Exchequer to make provision for no Estimates except what were actually on the Table, although he might know, not only that considerable charges might, but in all reasonable probability would, arise. [The CHANCELLOR of the EXCHEQUER: As in 1872.] He (Mr. Gladstone) would like to know the particulars of the case; but he did not care whether it was done in 1872 or any time else. The case of 1872 was not the case of this year. In 1872 the Chancellor of the Exchequer laid £3,000,000 of new taxes on the country, and made a great and successful effort to provide for the whole of the charges of the year. But what he contended for was—and his own practice, as far as his knowledge went, supported it—that it was the duty of the Chancellor of the Exchequer to concentrate the financial operations of the year, and he had no right to say in March or April—"I submit to you a Budget, but I shall have more charges coming on, and then I will tell you how I mean to meet them." He protested against such a system; it was contrary to principle and contrary to practice, and would be fatal to all Parliamentary control. If the House assented to what the Chancellor of the Exchequer believed would be his expenditure, and held that he should not be bound at the time of the Budget to submit a complete statement of Revenue to meet the charge, Parliamentary control over the management of our expenditure became an idle name. He hoped the House would always hold to the principle of binding the Chancellor of the Exchequer to a complete annual Statement

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided* :—

The Tellers being come to the Table, Lord Frederick Cavendish, one of the Tellers for the Noes, stated that Mr.

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M'Combie, Member for Aberdeenshire, had not voted, though he had been in the House when the Question was put:—Whereupon the Chairman directed the honourable Member to come to the Table, and asked him if he had heard the Question put, and the honourable Member having stated that he had heard the Question put, but did not pass out of the Left Lobby till after the Tellers had left the Door, and having declared himself with the Noes, the Chairman directed his name to be added to the Noes :—

The Tellers accordingly declared the numbers Ayes 189; Noes 122: Majority 67.

Clause *agreed to*.

Clause 2 (Annual charges payable out of permanent charge) *agreed to*.

Clause 3 (Application of surplus as new sinking fund to reduce debt).

MR. FAWCETT, after stating that he understood that it was the intention of the Chancellor of the Exchequer to pay off a certain amount of Debt every year, suggested that the best way would be to purchase so much stock and cancel it, as that would give more to appropriate for the same purpose the next year.

THE CHANCELLOR of the EXCHEQUER intimated that the National Debt Commissioners would have power to adopt that course.

Clause *agreed to*.

Remaining clauses *agreed to*.

Bill *reported*, without Amendment; to be read the third time upon *Monday* next.

#### MEDICAL ACTS AMENDMENT (COLLEGE OF SURGEONS) BILL.

(*Sir John Lubbock, Dr. Lush.*)

[BILL 100.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Sir John Lubbock.*)

DR. C. CAMERON asked that the Bill should not be proceeded with at that hour, as there would be no time to discuss its provisions.

VISCOUNT SANDON said, he was not aware that there was any serious objection to the Bill.

SIR JOHN LUBBOCK said, that the principle of the Bill had been approved several times, and he could not imagine that there was any objection to a measure which had the general support of the medical profession throughout the country.

MR. STANSFELD protested against proceeding with the Bill at that time. There had been no discussion upon it, and time would not permit to discuss it then. He had many objections to the Bill, and one was that the whole subject should be dealt with by the Government. If there should be one Board of medical officers in this country, still there were the cases of Scotland and Ireland to deal with, and in those countries there might be different qualifications and examinations. This measure would accomplish nothing towards a system of uniformity.

And it being ten minutes before Seven of the Clock, the Debate was adjourned till *this day*.

#### PARLIAMENT—BUSINESS OF THE HOUSE.

In reply to Mr. CHILDERS, THE CHANCELLOR OF THE EXCHEQUER said, that the first business proposed to be taken on Thursday next was the second reading of the Supreme Court of Judicature Act (1873) Amendment (No. 2) Bill, after that the Offences against the Person Bill, and next the Land Titles and Transfer Bill. The Education Vote would not be taken on that day, as had been previously arranged.

And it being now Seven of the clock, the House suspended its sitting.

The House resumed its sitting at Nine of the clock.

#### NAVY—RULE OF THE ROAD AT SEA. RESOLUTION.

SIR JOHN HAY rose to call attention to the Copy of the Report of the French Conseil d'Amirauté on the Steering and Sailing Rules (or Rule of the Road at Sea) and other papers relating thereto (Parliamentary Paper No. 353, 1st August 1874), and to move—

“That, in the opinion of this House, it is desirable that Her Majesty's Government should take immediate steps by communication with those foreign governments who are parties to

the present Steering and Sailing Rules, to amend the same, so as to reduce, if possible, the lamentable loss of life now arising from collisions at sea.”

The hon. Baronet was proceeding to address the House, when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at ten minutes after Nine o'clock.

### HOUSE OF COMMONS,

*Wednesday, 9th June, 1875.*

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—United Parishes (Scotland) \* [201]. *Second Reading*—Elementary Education (Compulsory Attendance) [16], *put off*; Labourers Cottages, &c. (Scotland) [39], *debate adjourned*; Chelsea Hospital (Lands) [193]. *Select Committee*—Public Works Loan Acts Amendment \* [53], *nominated*. *Considered as amended*—Metropolis Local Management Acts Amendment \* [153].

#### PARLIAMENT—THE LATE COUNT-OUT. QUESTION.

MR. NEWDEGATE said, he desired to ask the Speaker, Who it was that called his attention to the fact that there were not 40 Members present at seven minutes past nine o'clock last evening?

MR. SPEAKER said, that the Question was one of a very unusual character. He presumed that the matter was no secret; on the contrary, it was well known that the hon. Member who called attention to the fact that 40 Members were not present was the hon. Member for Louth (Mr. Kirk). He might state that notice was taken during the debate as a Question of Order.

MR. NEWDEGATE said, he thought in the interest of Order in the House, it was desirable to put on record who of its Members took upon himself to terminate the Business of the House.

ELEMENTARY EDUCATION (COMPULSORY ATTENDANCE) BILL. [BILL 16.] (*Mr. Dixon, Mr. Mundella, Sir John Lubbock Mr. Trevelyan.*)

#### SECOND READING.

Order for Second Reading read.

MR. DIXON, in moving that the Bill be now read a second time, said; \*

The Bill, Sir, which I am now about to invite the House to read a second time is the same as the one which I brought forward last year. The principle of the Bill is the enforcement of compulsory attendance of children at elementary schools, and the machinery by which I propose that attendance should be enforced is that of school boards. Now, Sir, of course I regret that my Bill should last year have been thrown out by so large a majority; but I believe that the main, if not the only cause, of that was the objection widely felt—especially by hon. Members on the other side of the House—to school boards. I therefore, immediately after the debate, set myself to consider whether it were possible that any other machinery could be discovered which should be equally powerful for the object in view, and which, at the same time, should not arouse opposition. I could not of course accept, as an alternative machinery, indirect compulsion, because indirect compulsion only refers, or mainly refers, to children between the ages of 10 and 13, whereas my Bill for direct compulsion would have influence mainly upon children below that age, and outside, to a great extent, of the operation of the Factory Acts. I could not, either, accept as an alternative scheme the machinery of the Boards of Guardians, because the Boards of Guardians had, in various parts of the country, expressed a great disinclination to be charged with this duty of enforcing compulsory attendance. Neither could I accept the scheme which existed, I believe, in a few minds—but a very few—and which has never been brought before this House. I mean a scheme which would give to voluntary managers of schools the enforcement of attendance; because I consider that this scheme was so objectionable that it was not worthy to be brought before the House of Commons. But there was another machinery which did strike me as being well worthy of consideration, and that was a machinery that might be adopted by the Department itself. Accordingly, I consulted a very high authority upon this point—namely, Mr. Fitch, one of the best known of the School Commissioners. Mr. Fitch considered my views with great care, and came to the conclusion that this machinery would not be advisable, and he gave me very excellent reasons against

it. On further consideration, I myself came to the conclusion that it would not be advisable to entrust such a duty to a Department. I mention this in order to show that about that time I approached the consideration of this question with an open mind, and with a desire to ascertain whether any scheme could be proposed to the House which would be better than my own. After that, I determined that I would go into the country districts, and seek there as much information as possible on the question. In order that I might ascertain what the views entertained there were, and also collect a number of facts bearing upon the whole question, I issued a number of printed circulars to the clerks of the school boards in the rural districts—and I take this public opportunity of thanking those gentlemen for the numerous and admirable answers which were sent to these printed circulars. I also engaged the services of a gentleman very well fitted by his previous training and by his admirable moral qualities for the purpose, to visit all those rural agricultural counties where I thought the information I sought would be most likely to be gained. It is upon the information thus collected—and after very mature consideration of the whole question—that I have now come to the conclusion that it is not possible to propose to the House of Commons any machinery which shall be better adapted for the purpose of enforcing compulsory attendance than the machinery of school boards. I say, Sir, that the debate of last year was unsatisfactory to me so far as an expression of opinion of Gentlemen on the other side of the House with reference to the school boards was concerned; but as regards the principle of compulsion itself, I thought at the time that the discussion which took place was eminently satisfactory. It is true there were two hon. Members on the other side who, in the most striking manner, opposed even the principle of compulsion; but as one of the morning papers said on the following day, those hon. Members were “the champions of lost causes,” and therefore their opposition was hardly to be considered as important. I thought, too, that the feeling of the country was very well described by *The Times* newspaper when it said that a new era had arrived with reference to this question, and that the controversy upon the principle of

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compulsion might be said to be closed. That was what the leading organ said at that time; and now I should like to direct the attention of the House to the information which has reached me, showing what the progress of public opinion has been upon this vital question of compulsory attendance in the agricultural districts. I will invite the House to consider what is the opinion of the parents of these children, of the teachers of the children, of the voluntary managers of the schools to which they are in the habit of going, and, lastly, the opinion of the school boards which have had experience of compulsion. With regard to the agricultural labourers, we know that they have lately acquired a habit which is new to them of attending public meetings. At three of these meetings that lately took place in Dorsetshire and Somersetshire, Petitions were carried which were afterwards presented to this House. The concluding paragraph of these Petitions is worthy of attention. These Petitioners pray for the establishment of school boards—

“So that the disgrace of so many men and women being unable to read or write, and believing in witchcraft, ghosts, and fairies, may not continue in this so-called Christian country.”

At none of these meetings has there ever been any expression of opinion adverse either to the establishment of school boards or to the principle of direct compulsion. At the annual meeting of delegates of agricultural labourers, which assembled in Birmingham a month ago, there were present a large number of these delegates, representing over 50,000 of the most intelligent, or, at least, the most active of the agricultural labourers in England; and at this meeting a resolution was unanimously passed, amidst loud applause, in favour of direct compulsion. Well, Sir, there was another meeting, which took place in York some weeks previously, also of a national union, but that was a National Union of Elementary Teachers. They unanimously passed a resolution to which I specially invite the attention of the House. It was a resolution in favour of direct compulsion up to the age of 10, and requiring that from the age of 10 to the age of 13 the principle of the Factory Act should be applied to all classes of children in this country; and lastly—which is perhaps the most

important part—that in the event of any child having reached the age of 10 without being able to pass the Third Standard, that that child should not be allowed a certificate to enable it to go to work; while in the event of a child not reaching a higher standard in each succeeding year, the labour certificate should be withdrawn. This opinion of the National Union of Elementary Teachers I believe to indicate accurately the opinions of the great majority of the teachers in elementary schools throughout the country. Opportunity was given for conversation upon this point with some 300 teachers of Dorsetshire and Wiltshire, and the opinion of the conference was confirmed by the verdict of these 300 teachers. Well, then, Sir, I think I may say safely that the Church of England will adequately and fully represent the opinions of the voluntary managers of our schools. A short time ago a rector in Dorsetshire made this remark to a friend of mine—“That he was the last in the Diocesan Synod to oppose the principle of direct compulsion, and that he did so on account of his sympathy with the small farmers; but that since he had seen the operation of direct compulsion under the school board system he had entirely changed his opinion, and was now a strong advocate for the universal application of direct compulsion.” At a meeting of the Diocesan Synod of Salisbury, a resolution was carried a short time ago in favour of a Petition against my Bill, but both the mover and seconder of that resolution took care to express their opinion in favour of direct compulsion. I presume, therefore, that the Synod really meant that their Petition should be directed against school boards, and not against direct compulsion. If there be any organ of the Church which is entitled to respect on this question it must surely be the National Society, and in the Monthly Paper of May last of the National Society are these very remarkable words—

“The power to compel attendance appears to be the one thing lacking in our educational system. The disinclination of the Government to deal with this question is incomprehensible.”

What do the school boards say upon this question? I went last year at some length into figures to show that the result of compulsion by school boards had been eminently satisfactory. Since that time in my own borough, there has been



a still further and larger increase in the average attendance—namely, from 30,339 to 35,000, or an increase of 15 per cent; and in giving me these figures the clerk of the Board makes this remark—

“Whenever I take away from his duty the compulsory attendance officer, immediately there is a falling off in the attendance in that district.”

We all remember that Sir Charles Reed said, not long ago, at a public meeting, that since the formation of the London School Board there had been an increase in the school attendance, or in the number on the rolls, to the extent of 100,000, of which 40,000 were in voluntary schools. And the Bishop of London has himself declared that the Church schools have not suffered by the action of the School Board. Since the establishment of school boards the increase in London and in 10 large towns has been on an average 53 per cent. That is an enormous fact. In Birmingham the increase has been 94 per cent; in Hull, 99; and in Sheffield, 104 per cent. [Mr. MUNDELLA: 120.] The hon. Member for Sheffield says it amounts to 120 per cent. That is the increase which has taken place in the large towns. How is it in the country? In the circulars which I addressed to the clerks of rural boards I put this question—and I may take this opportunity of saying that I tried to put all the questions to these clerks in such a manner as to leave them perfectly open in their answers. I asked—

“Has your board enforced compulsory by-laws; and, if so, with what result upon attendance at school?”

I received answers on that point from 101 clerks, of whom 35 said their boards had been established too recently for any results to be possible. In 11 cases the answer was that the effect had been slight or nothing; but in 55 cases the answers varied from “satisfactory” to “marked,” and “attendance doubled or trebled.” Well, Sir, amidst this chorus, as I think I may call it, of approbation from all parts of the country and from all classes of the community, of the principle of compulsion, there has been only one voice raised, but that a powerful one—I do not say against the principle of compulsion—but in favour of delay. In the month of March last, upon the Motion of my hon. Friend the Member for Hackney (Mr. Fawcett), calling attention to the educational condition of chil-

dren in the rural districts, the noble Lord the Vice President of the Council stated that, in his opinion, it was not advisable to push compulsion further at present. And the reasons which the noble Lord urged in favour of that opinion were, mainly, that the earnings of the children could be ill-spared by their parents, and the fact that in the rural districts education was at least equal if not superior to that in the towns. But this argument with reference to the earnings of the children cannot with propriety be addressed to my Bill. It may be, and has been, addressed to the principle of the Factory Acts, because the principle of those Acts is, that no child shall be allowed to labour unless he is in attendance at school, and that no child shall be allowed to labour at all until he has reached the ages of 8, 9, or 10. But my Bill is a supplementary Bill to that, and what it proposes is this—that up to the age of 8, 9, or 10—that is, up to the age when labour is considered to be desirable, and when the children are doing nothing and are idle—they shall be by the operation of direct compulsion forced into schools. But that argument comes ill, I must say, from a Member of the Conservative Party, because, if I understand rightly, one of the great boasts and glories of the Conservative Party, is that they are in favour of the principle of the Factory Acts, and have been the means of enforcing them throughout the manufacturing districts; and that now they are coming forward voluntarily to apply them to the agricultural districts. I will now advert to the other point which was advanced by the noble Lord—namely, that the education in the agricultural districts is at least equal, if not superior, to that in the towns. The first observation I will make upon that is that, assuming it to be correct—and it is no part of my argument to dispute it—is there not this enormous difference between the towns and the country? In the towns there is a frank and full confession that the state of education is not satisfactory; but in the country we do not find that to be the case. In the towns we find that they admit the necessity for greater education. They have instituted school boards, and they are tasking themselves to provide not only full school accommodation, but a higher class of education in those schools; and, further, they are

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enforcing direct compulsion, so as to make the means of education which they provide applicable to the children. But how about the country? All we ask is that the country should imitate the towns. If they do what we are doing we shall be content. But, Sir, the statement that the education in the country is equal to that in the towns is a challenge thrown down to us, and I am now about to make some comments upon the position of education in the agricultural districts, based upon most carefully collected information. In many of the small towns and villages, I admit at once that the condition of education is better than in the average of the large towns. And why is that? Many hon. Members on the opposite side and on this side also, understand the reason perfectly well. Wherever there is a squire or a clergyman, or where there are several public-spirited individuals in a small town who have the means to provide the necessary education, and are interested in the work, there education, according to our present standard, flourishes; and it is to the credit of many hon. Gentlemen on both sides of the House, and to thousands of clergymen in this country, that the condition of these small towns and villages is what I have described it to be—better than the average in the large towns. But many hon. Gentlemen make the mistake of thinking that all villages are like their own. The fact is, that although there may be thousands of villages in the condition I have referred to, there are thousands of others that are very backward indeed, and far below the average of our towns. The reason of that state of things is that the clergyman and the squire are not able, or from absence they may be unwilling, to devote their means and their time to education. Wherever this is the case, education is backward, and it is on behalf of these backward districts mainly that we appeal to the House of Commons to pass a Bill which shall enable compulsory attendance to be enforced by means of school boards. In Dorsetshire and Wiltshire a very careful examination has been made of places comprising some 200 schools, and opportunity was given for forming a tolerably accurate opinion of a majority of these schools. Sixty out of the 200 were found to be in such a condition that it would have been a great blessing to the district if there

had been a school board. The buildings were inferior and unsuitable, the teaching apparatus was most inadequate; and the teachers were not merely uncertificated—that means little—but were incompetent. The pupil-teachers were insufficient in number, and the monitors were of the most inferior order. How could all this be remedied? It is, as I have said before, not by means of those individuals who may or may not be there, and who in these cases are not there, and who, if they were there to-day, may not be there to-morrow; but it is by the establishment of school boards which can take charge of the education of the children, and will also take care that out of the rates all the necessary means of education shall be for ever provided in that district. In Norfolk the same thing has been felt to a considerable extent, and there it has gone so far that in some districts they have been obliged to close the schools because they were unable to pay for their teachers. In one case where the school had been closed in consequence of want of means, the clergyman assisted in the formation of a school board, and what was the result? He said—"In my opinion, if you offer in your advertizement to the teachers a salary of £60 a-year, half the Government grant, and the whole of the children's pence, you will be able to secure the services of an adequate teacher." No answer was received to the advertizement offering these terms. They increased the salary £20. Now, that increase of salary could not have taken place in any other way than by the operation of a school board; and what was the consequence? A competent teacher was got for the school, and that school is so good that the sons of the clergyman himself and of the principal farmers in the neighbourhood attend the school, and, I believe, all are satisfied with it. I will make one or two contrasts. In Dorsetshire and Wiltshire there are 12 small towns and villages, some of them purely rural, with an aggregate population of 11,454. Here the education of the children has been well cared for, and the average attendance is 1 in 6 of the population. That is a very large attendance, and we shall be a long time before we reach it in the towns. In the immediate neighbourhood of these 12 towns and villages there are 27

parishes, with an aggregate population of 20,570, where the average attendance is only 1 in 15. Now, why is there this contrast? Simply, because these 27 unfortunate parishes are not blessed with the happy accident of an able and suitable squire or clergyman, or other similar public-spirited individuals. In the parish of Piddleton there is a population of 1,249, and out of that there are, or ought to be, 80 children between the ages of 11 and 13 years. In the school, there are 40 of those children in attendance. That is eminently satisfactory. But in the six small adjoining parishes, with a population of 1,038, where there ought to be about 70 of these children between 11 and 13, there are actually only two. Why in the same neighbourhood should education be so satisfactory in one place, and so eminently unsatisfactory in another? The reason is that which I have already mentioned. In Maiden Newton, with a population of 856, there is a school with a large first class in which children are being prepared to pass the Fourth, Fifth, and Sixth Standards, but not one of those children is an agricultural labourer. It is found that where there are only agricultural labourers it is rare for children to pass the Third Standard. In 12 parishes with these agricultural schools, there were only found five children above the Third Standard. Why should the agricultural labourers be thus neglected, and allowed to be satisfied with Standards I., II., or III., if they get any education at all, when it is shown that in the neighbouring villages and small towns the children of mechanics and others can be carried up to the Fourth, Fifth, and Sixth Standards? I think that is unsatisfactory, and I point to compulsion by school boards as the only remedy. There are two towns of about equal population in Somersetshire—Taunton and Bridgewater. In Taunton, the Church has held sway for a long time, and has done all it can do in favour of education, and the educational condition of Taunton is, according to the old lines, satisfactory. In Bridgewater the reverse was the case—the condition of education was unsatisfactory. It has a seafaring population, which is always a disadvantage in that respect. In Taunton no school board has been established, and there is no compulsory attendance. In Bridgewater a school

board has been established, and compulsory attendance has been enforced; and whilst in Taunton the increase of average attendance is proceeding very slowly, in Bridgewater the increase has been so great that the clerk of the board estimates it at three times what it was before the board was established. At the present moment in Taunton the average attendance in schools is 1 in 12 of the population, whereas in that once backward and unfortunate town of Bridgewater, by means of a school board and compulsion, the average attendance is now 1 in 9. I may say that I have many more similar illustrations, all going to show that where the clergyman, or some public-spirited individual, has undertaken the duty of providing education, it flourishes; but in thousands of districts this has not been done, and there the only remedy is the enforcement of compulsory attendance. I recently visited a large rural district, and I found that in the opinion of all the authorities there the existence of a school board meant necessarily the formation of a board school. It means nothing of the kind. The inference in such cases is that people are not in favour of school boards, because they suppose they involve the establishment of board schools. That is a point on which my Bill has been much misunderstood, and, with the permission of the House, I will explain how the matter stands, for the Bill is, in fact, a very simple one. According to the Act of 1870, as hon. Members very well know, there were a great many permissive things, but there was one thing that was compulsory—namely, that wherever there was a deficiency of school accommodation there a school board should be formed. Let it be clearly understood that, in all those districts where there is a sufficiency of school accommodation, my Bill will have no operation except to enforce compulsion. I only ask that, in addition to what is at present insisted upon by the Act of 1870, school boards shall be formed in those districts where there is already a sufficiency of school accommodation—that is, where voluntary schools, which are mainly Church schools, cover the ground, and where, therefore, a board school will not be required. I was surprised to read lately, in the Monthly Paper issued by the National Society, the following remark:—

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"The Bill," speaking of my Bill, "is sufficient to sweep off every voluntary school from the face of the country . . . . . the boards may compel every child to attend one of their schools."

Now, Sir, how can this be true? How can it be true that this Bill will compel every child to attend a board school, when, as I have shown, there need not be one single board school in any district to which this Bill is applied? How can it be true, also, that this Bill would sweep off every voluntary school in the country, when we all know that the boards have no power of entering voluntary schools, or of controlling them in any way whatsoever? When a statement of that kind is made by the organ of a great party and of a great Church—a Church dominant in education—it is clear that they misunderstand the plan of this simple Bill. What I find in going through the country is this—and I do not hesitate to assert it in this House—that the main reasons why the provisions of my Bill are so violently assailed is that they are utterly misunderstood. This is an extremely moderate Bill. I would ask all Churchmen, who are my principal opponents, to consider what body outside the Church is nearest to them? The nearest to them, both in respect to religious and political feeling, they will answer, is the great and powerful body of Wesleyan Methodists. Well, the Wesleyans have passed a resolution to the effect not only that there should be a school board in every parish, but that there should be within reach of every child a board school. I do not ask so much as that. There is another party besides, and behind the Wesleyans. There is a party springing up in this country, and increasing in power—a party which is of opinion that wherever the Government grant is given, there should be the management of the representatives of the ratepayers: and who hereafter, unless something is done, will be prepared to say that the annual grant shall be withdrawn in the cases of all schools which are not controlled by the ratepayers. If my Bill were thoroughly understood, it would be found to be so moderate that, in my opinion, it would be accepted—and gladly accepted—by the Church of England. Let me remind the House that the Bishop of Manchester said a short time ago, that a large number of Church schools were inefficient,

and that wherever a Church school was inefficient it would be much better that it should be transferred to a school board. What are the objections to this Bill? It would take me far too long to enumerate and answer them all; but there are one or two of them to which I will for a moment advert. I would first of all state one of the questions contained in the circular which I issued to the clerks of the rural school boards. The question was—

"Now that your board is formed and considerable experience has been gained of its working, does the opposition to it (if any) increase or diminish?"

I desired to know what was really the experience of school boards in rural districts. I obtained answers to this question from 210 clerks: 24 said that there had been no change of feeling with reference to the school board, which, of course, I take to be favourable. The answer in 81 cases was that there never had been any objection to the school board and that there was none now. In 91 cases the answer was that the objections had decreased, it having been found on experience that those raised were imaginary. In only 14 cases—that is one in 15—did I get the answer that the objections had increased, and it was stated that the increase was mainly on the ground of what they termed the unnecessary cost. Now, Sir, there is one objection to school boards which I should not have noticed if it had not been urged by the high authority of the Archbishop of Canterbury. In a well-known speech the Archbishop commented on the character of those who would be called upon to assume office as members of the school boards, and would therefore be the superiors of the village schoolmasters. Upon that point I addressed the following question to the clerks of the rural school boards:—

"It has often been an objection raised against the establishment of school boards in country parishes, that they would be constituted of men taken entirely from the same class as the Guardians, and with probably very little interest in educational matters. Has this been the case in your district?"

To that question I received 240 answers. The answers conveyed this information—that though the members of the school boards were men taken from all classes of society, they were almost without exception men who had taken a great in-



terest in educational matters. They stated that they were frequently men who would not be elected, or would not serve in the office of Guardian—as, for instance, clergymen, gentry, and working men. Lastly, they stated that farmers were often elected as members of school boards, and sometimes as chairmen, and that they were always farmers who had taken the greatest interest in education, and were almost always in favour of it. Let us hear no more of this objection even with respect to the most ignorant school boards. In some instances, school boards composed of the most uneducated classes have been, if not the most successful, yet eminently successful. There was a case in Northamptonshire of a parish of 2,500 inhabitants, where there were a great many manufacturers of boots and shoes, and where the school board was composed of a majority of working men. The board at once proceeded, as in a great many other cases in Northamptonshire, to erect a new school. The school was the ornament and pride of the village, and their gatherings and *soirées* took place in the school room. The result was, that immediately every child in the village appeared on the roll of the school book, and the average attendance was enormous—448: there having been no more than 235 prior to the formation of the board. In a neighbouring village, where the board was composed of a nobleman, a squire, and three wealthy farmers, their feeling was—“We are in no hurry; we can wait and see what is done by the board where there are so many working men.” That shows that working men may often be better members of a school board than others in aristocratic positions. Noblemen are much influenced by the feeling expressed by Earl Derby, who, in speaking on this question to his friends in the country, said—“Don’t be in a hurry; wait and see what other people do, and you will learn by their experience.” If noblemen are learning from the experience of working men, do not let the Archbishop of Canterbury come forward and try to decry these humble and obscure members of school boards, who are performing their duty to their fellow creatures, and doing it successfully. There is another reason which I would touch slightly upon, and that is a reason which I know has been a good deal dwelt upon by certain indi-

viduals. There is a natural desire on the part of the clergy to retain control over the schools. I do not wish for one moment to cast any censure upon that desire on their part. A great many of the clergy are also strongly desirous of retaining this control, because they think that if the school were to become a board school the operation of the Cowper-Temple clause would prevent the right kind of religion being taught in that school. What I would point out to these gentlemen is, that the operation of my Bill need not affect them at all, because they will not be obliged to transfer their schools to the school board. If the school was a good school—as in the majority of these cases I doubt not it would be—in such a case not only might they retain the control of the school, and resist any temptation to hand it over to the school board, but there would be no temptation offered, because the board would not wish to interfere with the school, and increase the expense of the ratepayers in an unnecessary manner. I think, therefore, that the objections upon this ground to the Bill, if really understood, would at once fall to the ground. There is no doubt that the great objection to the establishment of school boards is the item of cost. There is a general feeling that a school board is a costly engine. The chairman of a school board in Norfolk said—“Do away with the unnecessary costs of the election of boards, and there will be a school board in every district in Norfolk.” I am inclined to agree with him, and to say that it is advisable that we should do away with all unnecessary cost. I should be sorry if it should be thought that either I or my Friends were advocates of anything but rigid economy; but we think that a school board properly carried on is the greatest of all economies. Only a few days ago there was a very important deputation to the Education Department, which was got up by the chairman of a school board in Devonshire, Mr. Huxtable, who had during the last 12 months collected a great deal of information on the subject. This large deputation waited upon the President and Vice President of the Committee of the Council on Education, and they laid their case with reference to these unnecessary costs before the heads of the Department. I attended, with many others, because I sympathized

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with the object of the deputation. But I should like to see it clearly understood what is the real meaning of the figures presented to the Department by that deputation. The meaning is, that in some cases the cost of the election of school boards was excessive, and that was proved by the fact that in certain cases it was double, treble, and even ten times as much as in others where the circumstances appeared to be the same. It was very natural that those districts where the cost was so excessive should seek relief from the Department, and I hope the Department will be able to give them relief. I think that they can do it, and I have no doubt that they will try to do it. But the cases here referred to are exceptional. I enquired what was the actual average cost of the cases that were brought before the Department. Mr. Huxtable received full information from 175 school boards, and I presume that the school boards who answered his questions in this full manner were the boards who most felt the grievance. What is the total cost in those 175 parishes? I find that the total cost of the election of school boards in these 175 cases averaged one half-penny in the pound. If you spread that over three years, it means that the average cost per annum is one-sixth of a penny in the pound. I would ask the House to consider this. The question is not whether these gentlemen have or have not made out a case for the interference of the Department as regards certain particular school boards; but whether, taken as a whole, this complaint about the cost of the election of school boards is of sufficient magnitude—when it is thus described as being one-sixth of a penny in the pound—to be a valid reason for resisting the spread of school boards. In the circular which I issued I addressed the following question to the clerks of school boards:—

“The expense of boards is frequently urged as a fatal objection to their universal establishment. Assuming that in your parish there are no board schools, what rate in the pound will suffice to enforce attendance and to carry on the ordinary operations of the board efficiently?”

That would be the case in all districts affected by this Bill—that is, a district where there are no board schools, but where a board is elected for the purpose of carrying out compulsory attendance. The replies I received to that question

were not so numerous as the others. It involves questions of figures, and it is difficult in many cases to analyze them, and to divide the expenses of compulsion and the general expenses of the board. I received answers from 68 clerks, and what I found was this—that in 19 cases the expenses of the board for the enforcement of the bye-laws was  $\frac{1}{2}d.$  in the pound; in 9 cases it was  $\frac{3}{4}d.$ ; in 21 it was  $1d.$ ; in 17 it was between  $1d.$  and  $2d.$ ; and in 2 cases it was above  $2d.$  The average of these 68 boards was  $1d.$  in the pound. It should, therefore, be clearly understood that when this question of cost is brought forward as a popular objection to my Bill, it would not involve an expenditure of more than one penny in the pound on the average—which expenditure, by means of this deputation and the good will of the Department may be reduced; in return for which expenditure of one penny in the pound we should have compulsory attendance enforced throughout the whole of the rural districts. The question of rating in the agricultural districts was beset formerly with this difficulty—that the farmers and the country gentlemen objected to the incidence of rating. Now, under the present Government—a Government friendly to the removal of that grievance—I hope that that objection has fallen to the ground. After all, the total cost of education in this country is but small if we compare ourselves with a State like the Canton of Geneva, which is poor; or one of our own Colonies, like Victoria. We shall find that in these poor and new districts the amount spent in the cause of education is at least double what it is in this enormously rich country, full as it is of churches and chapels. Before I sit down, let me give a very short summary of the advantages that would arise from the establishment of school boards. In the first place, let the House recollect that school boards are already a machinery adopted successfully throughout the whole of Scotland and throughout more than one-half of England. If, therefore, any other machinery should be adopted, we should be under the obvious disadvantage of carrying out compulsion by two different systems. In the second place, it must be admitted that school boards are the most purely and fully representative bodies that can be devised. When you are enforcing

compulsory bye-laws, you are enforcing something that is new, difficult, and almost penal in its character, and it is very important that you should have a body that has the confidence of the parents of the children, and nobody can possess that confidence more fully than a popularly-elected school board. In the third place, I would make this remark. You are in want of a machinery for enforcing the Agricultural Children Act. We are told, and very properly told, by the Government that to flood the agricultural districts with Inspectors would be an expensive, and in some respects an objectionable, mode of procedure; but the school boards would be a machinery ready at hand, and a machinery of the most perfect description. I would also ask the House to remember another thing, and it is this. In the agricultural districts, as in many parts of our towns, the great difficulty you have to contend with is the apathy which prevails amongst the poor and amongst the upper classes on the subject of education, and which it is exceedingly difficult to remove. If you establish a school board—even if it be in some respects an objectionable school board—you have the attention of the community turned to the question of education, you select four, or five, or a dozen men in the locality who are the greatest friends of education, and you give them power to carry out such measures as may be required for the promotion of education. That stimulates the public interest in the subject, and wherever a school board is established I have found from experience that the interest in education is infinitely greater than in any district which is presided over by the most munificent squire and the most popular clergyman. Then I must also say—though perhaps hon. Gentlemen opposite will not agree with me in this—that by adopting the compulsory machinery which I propose, there would be this great advantage—that you would have school boards already formed which could receive transfers of those schools which from want of funds were unable to carry on their work satisfactorily to themselves. The Bishop of Manchester has expressed the opinion that the tendency of these voluntary schools to merge themselves into board schools will be so strong that in the course of 25 years the voluntary schools will probably

be rare in the country. My Bill would make the advent of board schools gradual and easy. I think it would be wise policy in Her Majesty's Government to accept my Bill, and give me every facility for passing it. It seems to me that the art of statesmanship is to understand the signs of the times; and I think that the power, as well as the wisdom of a strong Government, such as we now have, would be best displayed by anticipating and providing for the inevitable, for that which I sincerely believe to be the desire of the country—an efficient system of education. I beg to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Dixon.*)

MR. HAMOND, in moving, as an Amendment, That the Bill be read a second time that day three months, said, that when the hon. Gentleman the Member for Birmingham (*Mr. Dixon*) brought forward a similar Bill in a former Session, it was rejected on a division by a majority of 164 in a House of 476 Members, and it would be his (*Mr. Hamond's*) duty to see whether there was any, and, if so, what additional light had been thrown upon the subject, and then to ask the House whether education should be made compulsory through the medium of the school boards. It was no doubt the right and duty of Parliament to inquire into the operation of any Act which it passed, particularly when it expended so large a sum of money as it voted for Education—namely, £1,000,000; but it was also the duty of Parliament to guard itself against inflicting injustice upon the local ratepayers of the country. He contended that if anything were done to compel attendance, it should be done by the Government, and not through a Bill introduced by a private Member. The Bill had two objects—the compulsory attendance of children, and the compulsory establishment of school boards, whether they were required or not in some districts; and, in dealing with the first of these objects, he wished to draw attention to a Return which had recently been presented to the House, and in which a comparison was drawn between the attendance at the elementary schools inspected in England and Wales in 1869, the year before the passing of the Act, and the year ending August, 1874, the

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last year named in the Return. He found that in 1869 there were 7,845 schools, which provided accommodation for 1,765,000, the average attendance being 1,062,000. Now, in 1874, instead of 7,845, there were 12,167 schools, 838 of which were school-board schools. Accommodation in these 12,167 schools was provided for 2,871,000—the 838 school-board schools providing accommodation for only 245,000, the average attendance being 1,678,000, while as far as the school-board schools were concerned, it was only 131,000, although they had the power of making compulsory bye-laws. Judging from those figures, he did not think that the Bill was needful at present. Looking at the action of the school boards it was opposed to the existence of schools carried on on the voluntary system; and here he might state that the supporters of the voluntary system had great reason to complain of the course taken by Her Majesty's Government in reference to the interests of that system. He found, in looking through the Act of 1873, that for the attendance of every pauper child one farthing a-day was allowed; but the poor working man, who had children to educate, was not so favoured, and had to pay more than he could well afford to the school boards for the education of his children. It was never intended that school-board schools should, by reducing their own fees, undermine and take away the children from voluntary schools. He thought the Government ought to give earnest attention to this grievance, so that the voluntary system, which was generally growing, should at least have a fair field and no favour. The school-board system depended chiefly for its maintenance upon the rates, and any deficiency had to be made up from the rates, and thus the supporters of the voluntary system were doubly taxed. The Factory Acts schools were working beneficially, and the Agricultural Acts were also working well and satisfactorily. With regard to the tenant-farmers, he would not allow them to have a feeling on their minds that their interests were not fairly considered. The hon. Member for Birmingham said there was a chorus of approbation throughout the country in favour of compulsory education; but where were the proofs of its existence? His (Mr. Hamond's) opinion was, that the "chorus of appro-

bation" in favour of compulsory attendance of children at the board schools was entirely in the hon. Member's own imagination. Not a single Petition had been presented in favour of the principle, and, in fact, compulsion had always been distasteful to Englishmen, and it would become still more so if it were exercised as they had recently seen it done. He might here mention an instance of the manner in which the school board officials were apt to act in the exercise of their authority in trying to force compulsory attendance of children at the board schools. The case was a very recent one, and was reported in the newspapers. It appears that a man was seen by a poor woman treating a boy very roughly, and forcing him along the streets. She addressed the man, and asked him how he could ill-treat the boy, and further asked the man who and what he was. He did not tell who he was, and answered the poor woman in very coarse terms. She, however, ascertained who and what he was, and took out a summons against him; and the magistrate, having heard the conduct of the school board official detailed, fined him. That conduct was an instance of what might be expected from the exercise of such compulsory powers as the hon. Member for Birmingham sought to induce the House to arm the school board officials with, and it was pleasing to find that the magistrate had fined the man. Now he (Mr. Hamond) did say to the hon. Member for Birmingham, "do not be in a hurry; let those Acts which are now in operation have a fair trial, and leave well alone." When they found that upwards of 1,000,000 children had been attending the schools since 1870, under the provisions of the different Acts, he thought it was their duty to do so. He (Mr. Hamond) had read a speech recently delivered by the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), and in that speech the right hon. Gentleman considered that it was not advisable to force the formation of school boards, unless there was a deficiency of educational facilities in the neighbourhood, and he (Mr. Hamond) would say to the hon. Member for Birmingham, do not force the establishment of school boards in neighbourhoods, unless where there was a deficiency of schools. How could school boards exist, unless there were children



in the neighbourhood sufficient to make schools? Then, with regard to rates for the maintenance of school boards, there was no necessity for them in places where there were no schools. The whole scope of the Act of 1870 was simply to supply any deficiency which might be found to exist by appointing school boards to build schools, and there was no power to appoint a school board without schools. [Mr. MUNDELLA: Oh, yes!] Well, then, would the hon. Member who said "Oh, yes," and to whom he begged very respectfully to say "Oh, no," be good enough to point to any clause of the Act authorizing school boards to be elected without supplying a deficiency of school accommodation? It was quite true that on the representation of a town council the Privy Council sometimes ordered a school board to be formed; but that was merely to save themselves the trouble of a preliminary inquiry. In strict point of law, it was only with the view of supplying a deficiency of school accommodation that school boards could be established. The school board rate was intended to supply the deficiency in the school fund, and that fund, according to the Act, was to consist of fees received from the children, any money voted by Parliament, and any loans ordered by the Privy Council. To say, therefore that a school board could levy a rate where no schools existed was to flatly go against the provisions of the Act. Board schools, in a word, were not to supplant, but to supplement the voluntary system, and the House should bear in mind what had been said by the noble Lord the Vice President of the Council (Viscount Sandon)—namely, that the average attendance in rural districts was equal to that of towns, and as to the passing of Standards the rural districts had been found to beat the towns. Notwithstanding that, an attempt was being made to force school boards upon them; but the hon. Member for Birmingham (Mr. Dixon) had let the cat out of the bag. The hon. Member admitted that his party were determined to have school boards, because they were hoping by slow but sure degrees to sap and soak up all the voluntary schools. But he (Mr. Hamond) strongly objected to the adoption of such a course. With regard to the course taken by the hon. Member for Hackney on this question,

*Mr. Hamond*

he (Mr. Hamond) was prepared to support him, and with regard to the course taken by the hon. Member for Birmingham in asking the House to pass a Bill which would force every district throughout England and Wales to contribute rates which in their aggregate might amount to a shilling in the pound, he hoped the House would not give its assent to such a measure. [Mr. DIXON: The hon. Member is mistaken. I said one penny in the pound.] That was the hon. Member's imagination. He hoped the hon. Member would not press the Bill, and that the Government would, in time, if they saw that it was necessary to legislate on the subject, bring in a Bill to make the attendance of children at schools more compulsory than at present. With regard to the denominational system of imparting to every child a religious education such as the parents professed, all parties, however much opposed in views on political and other grounds, were agreed, and hence the great additional increase in the attendance of children at schools—an increase, as he had said, exceeding 1,000,000. It would be a gross injustice to those who had established schools on the voluntary principle to hand over those voluntary schools to school boards upon such a principle as that which the hon. Member for Birmingham advocated, and he therefore hoped the House would support him in the Amendment he would now move for the rejection of the Bill.

MR. SCOURFIELD, in seconding the Amendment, said, there were two questions now before them, as set forth in the Bill of the hon. Member for Birmingham; one being compulsory attendance of children at board schools, and the other compulsory formation of school boards. He was one of those who, when this subject was first brought forward, was opposed to compulsory attendance of children at the schools, and experience had tended to confirm him in his views. It, however, seemed to him that compulsory education had become popular in some quarters, judging it by the heavy cost which the public paid for it. Inspectors, for instance, received £80 or £100 a-year for their services. But it was all right, in their opinion. He remembered Mr. Dowse—now Mr. Justice Dowse—whom they were all formerly glad to see amongst them in this House, repeating to him a remark which had been once

made to him—"Well, after all, there is a good deal of human nature in a man," and so he (Mr. Scourfield) thought, in relation to the action of school boards, and his impression upon the subject of compulsion was strengthened by the decision of a learned Judge in reference to a man who, it would be recollected, had refused to call in a medical man to attend his child when sick. The child died, and the father was proceeded against for neglecting to call in medical aid. Now, with regard to the medical profession he (Mr. Scourfield) knew that the members of it constituted a very useful and most respectable faculty; but whatever might be their opinions with regard to the man who neglected to call in a medical man to his child, the case against him was dismissed. Again, the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) would compel people to drink water. Pindar commenced his odes by singing the praise of water, and the hon. Baronet was the modern Pindar; but in comparing the advantages with the disadvantages of a system of interference, the balance of evil was so great that the country would have nothing to do with the proposal. The late Professor Simpson, too, to whom the world was so much indebted for the reduction of human suffering by the administration of chloroform, once proposed to deal with small-pox on a system of compulsory isolation; but the proposal involved such a violation of public liberty, that even when such a benefit as the stamping out of that pestilence was to be the result, it could not be adopted. In fact, compulsion was un-English, and had been protested against both by the right hon. Gentleman the Member for Bradford and by the hon. Member for Merthyr Tydvil, both of whom condemned it as a means for the extension of education. The hon. Member for Merthyr Tydvil condemned the dragging of children to school against the will of their parents as "intolerable tyranny;" while the right hon. Member for Bradford said that—

"However anxious they might be to compel parents to send their children to school, there was no doubt it was an interference with liberty respecting which they ought to be cautious."

The hon. Member for Birmingham had stated that school boards worked satisfactorily in Scotland; but he could not

have heard the recent debate on the subject, or he would have known that a chorus of disapprobation was raised against them. School boards, in fact, afforded a good illustration of the maxim that it was easy to be generous with other people's money, and when the hon. Gentleman the Member for Birmingham spoke of their economy, all he stated was at variance with what they every day heard. There was in Hertfordshire a district the gross rental of which was about £2,288 per annum, and upon that rental the local school board had levied £200, not a penny of which had, as yet, produced any visible result. It must, however, have gone somewhere, into the pockets of some parties connected with the board, and therefore it was not to be wondered at that some parties favoured school boards. The Factory Acts had been referred to as furnishing a precedent for compulsory education; but those who, like himself, had heard the debates on the subject, would remember it was not the improvement of the education, but the improvement of the health, of the factory operatives which Parliament sought to effect. It was the sufferings of the children which carried the feeling of the House. On the subject of local taxation, the Government were pledged to afford the country some relief, and the most effectual way in which this could be accomplished was to repress all unnecessary expenditure, such as the cost of school boards in many cases would be. The Education Department in this country had never been able to make itself popular, and education itself would soon become as unpopular as the Department, if it was to be clogged with compulsory conditions. Much might be done by the clergymen and ministers of religion using their influence in order to induce parents to send their children to school, but no practical good could result from employing policemen and school board Inspectors to compel the attendance of children in the schools. He thoroughly opposed the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Hamond*.)

MR. MUNDELLA denied the allegation of the hon. Gentleman the Member for Newcastle (*Mr. Hamond*) that school

boards could not be elected except when there was a deficiency in school education. School boards existed where there was no deficiency of school education, as, for instance, in nearly all the large towns of Lancashire, in some of which not a single board school had been erected.

MR. HAMOND said, that what he had stated was that, under the Education Act of 1870, when a deficiency of schools existed in a town a school board was elected to supply the deficiency.

MR. MUNDELLA said, that there had hardly been a movement of progress in that House which had not in the first instance been defeated by large majorities, and he thought that their opponents had, on this occasion, taken up the last line of defence. He believed that the noble Lord the Vice President of the Council (Viscount Sandon) had no sympathy with the cause that hon. Gentlemen opposite had taken up, and he thought that Members of the Government would have to educate their party on the Education question as they had been educated before, with the result that before very long the Bill of his hon. Friend the Member for Birmingham would become the law of the land. Nothing short of compulsory attendance could possibly create a perfect educational system, for the operation of the Factory Acts had not been such as to secure the results hoped for, though they had been applied for 30 years. As to an increase of powers, it had been sometimes said that clergymen were making a commercial profit of their schools, and what would be said if the clergyman were made an officer to compel attendance at school? There was no chance, under the present system, of obtaining a thorough education for the children. Antecedent to the passing of the measure of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster), Stockport had framed probably the best educational machinery of any town in England; but even there, the proper proportion of children could not be secured, and now double the number of children were educated there that could be secured before the Act of 1870 was brought into operation. It had been proposed that Boards of Guardians should have the power of compelling attendance. Could anything be more odious than to associate education with

pauperism? Neither should the clergyman or the squire be the persons selected to enforce attendance except as elected persons. When the London School Board was called into existence it had to deal with 100,000 children not at school. They had thoroughly sifted the matter, and made vigorous efforts for the removal of the evil, and they had inquired into the case of 4,000 of the most wretched members of the juvenile population. The results produced had been most important in their character, upon an average expenditure of 1.29*d.* on the rates. Was it worth while considering an expenditure so minute when they reflected upon the vast importance of the work that had been done? Let them look at the class of Representatives returned to that Board; such men as Lord Lawrence, Sir Charles Reed—than whom no man had ever resigned his seat in that House for a nobler purpose—the noble Lord the Vice President of the Education Board (Viscount Sandon), and the Secretary to the Treasury (Mr. W. H. Smith), who had done 10 times more good as members of the School Board than they could do as Members of that House. He would next take the case of a provincial board, and would instance the town of Sheffield, where all sections of religious opinion found themselves represented on the board. The first result of the formation of a board was to increase the attendance at the voluntary schools by 9,000. With reference, however, to this particular case, which was the complaint made by one who was a Churchman and a sound Conservative, his objection was, that they ought to use the word “may” in the Act, instead of “shall.” Preston, he (Mr. Mundella) believed, was the only important town in Lancashire that had not a school board. Why should the people of Oldham, Stockport, and Blackburn have such opportunity of sending their children to school, and not the people of Preston? He would refer to the case of Sutton-in-Ashfield, near Mansfield, where there was a mixed agricultural and manufacturing population. A noble Duke in the neighbourhood tried to prevent a school board being formed there, and even promised to erect schools if the inhabitants would not form a board. But they refused the bribe, and replied that they might get the schools, but followed this up with the inquiry how they were to be filled.

*Mr. Mundella*

The working people had taken up the movement with zeal, because they knew the importance of education for their children. He would say, let the Act be made absolute instead of permissive. There was no substitute but to secure school boards, and give them the power of compulsion. What was the condition of things at this moment? There ought to be 3,000,000 of children in attendance at school, but the average number was 1,700,000. There was an increase last year of 200,000, and the increase was especially large in those boroughs where compulsion was employed, while of 860,000 children presented for examination 702,000 passed in the lowest three standards. This was a very unsatisfactory result when compared with what had been attained in Switzerland and Germany. Switzerland, with only one-eleventh of the population, had turned out twice as many pupils in the year in the Sixth Standard as the whole of England and Wales, which, though possessing good teachers and zealous school Inspectors, and provided with splendid buildings, could only show an average attendance of 1,700,000 annually. At the conclusion of the war between Austria and Germany and France and Germany, the Austrian and French Governments respectively appointed Commissions, which reported that the superiority of the Germans was very greatly to be attributed to their admirable education, and France had now adopted the compulsory system, and had ordered that no recruit should be entered for the Army unless he had attained a certain proficiency. It was marvellous to observe how the Germans were competing in various parts of the world to get commerce into their hands, and how successful they had been; and here was another great result of the thorough system of education adopted in Germany, especially with reference to the acquisition of languages. Most of them would never live to see the fruits of their labours in education, because it was a matter necessarily of slow growth. This should instigate them to complete their work as soon as possible, especially as the people had now an extended power of voting. Let them, however, go on and strive together to create an intelligent population, and the beneficial results would become manifest sooner or later. He appealed to hon. Gentlemen on both

sides of the House to devote their attention to that important object. Let the right hon. Gentleman at the head of the Government complete this noble work, and if he resolved that every child in England should have the best education that in the circumstances could be given, however much he (Mr. Mundella) might differ from the right hon. Gentleman on other questions, he should honour him for the rest of his life.

MR. NEWDEGATE: The House, Sir, has just listened to an eloquent and a characteristic, but very discursive speech from the hon. Member for Sheffield (Mr. Mundella) in which he endeavoured to reply to the speech of the hon. Member for Newcastle (Mr. Hamond), who relied upon the facts which he very ably stated, and which prove that the Elementary Education Act of 1870 has been most successful for extending education throughout this country. Some Speakers are much disquieted by facts, when they come into collision with their preconceived theories, and I never knew an instance where this was more fully illustrated than in the speech of the hon. Member for Sheffield, which we have just heard. He is one of those speakers in listening to whom it is extremely necessary to watch for what may be their premisses. What were the premisses of the hon. Member for Sheffield? He endeavoured to evade the fact that it was the principle of competition in education upon which the success of the Act of 1870 was founded, and not merely upon the establishment of school boards; because that Act provided that it was in such localities only where accommodation for education was found to be deficient, that school boards should be required, that with all its expensive machinery, the power to establish school boards is used in the Act of 1870 as a means of compulsion; but these school board schools were to be subsidiary to the principle of voluntary education, which the Act of 1870 was intended to extend, and has extended. The hon. Member for Sheffield throughout his speech endeavoured to convey to the House, that all the success that has been obtained in the extension, and in the improvement of the quality of education, rests solely upon the school boards, although these school boards educate only a small minority of the children; and cannot justly be credited with the success due



to the whole tenour and provisions of the Act that has really produced such great results. The hon. Member's speech marks a change in the whole political tone of the school to which he and the hon. Member for Birmingham (Mr. Dixon) belong. The hon. Member for Sheffield tells us that we are to meet the commercial difficulty which competition has brought before us, by providing compulsory education, for proofs of the success of which we are to look 30 years hence. The school to which the hon. Member belongs seems to have lost all faith in competition; they have, I think, had too much of it. They must know, and ought to acknowledge, that it is to competition, under the Act of 1870, that the extension of elementary education is to be traced; it is to competition between the voluntary schools and the school board schools that this great result is really due. But so tired of competition is this school of politicians, that it has come down to sheer compulsion as an alternative. It relies now, not upon competition, but upon compulsion. Not satisfied with the fruits of competition, it recommends sheer compulsion to be exercised upon both parents and children. I should have thought that we might have been satisfied with the experiment of 1870; but no, the fanaticism which is represented by the hon. Member for Birmingham insists, and compels him to ask the House to attempt to forestall the complete success of that Act, for Sheffield seems to delight in school boards? School boards are perfectly invaluable in his judgment, and one point he dwelt upon was the delightful irresponsibility which they exercised over the public. He told us that no clergyman, no country gentleman, could venture to exercise over the education of their neighbour's children the compulsion that would be quite natural to school boards. He inferred that school boards, as elected bodies, were perfectly irresponsible during the period for which they were elected. But where is the respect for the individual freedom of the parents, which was once a characteristic of the school to which the hon. Member belongs? I will state a case which occurred close to Birmingham—in the Aston Union—to show that compulsion is already exercised in cases where it can reach the children of the poor, is exercised in a manner which, if

extended to other classes, will raise an opposition to education that seems not to be contemplated by the hon. Member for Sheffield or the hon. Member for Birmingham. I do not desire that more compulsory powers should be conferred. If I saw any let, any hindrance, any stop to the progress of elementary education, I might be governed by that; but seeing that the additional compulsion, now asked, is to operate only upon the labouring classes, and that we have no proposal before the House to adopt the German system and extend compulsion to all classes—a system that may be justified, that may be required by national emergencies, that can under such circumstances be justified; I say, that seeing that is a proposal that compulsion is to be applied to the labouring classes only, and lower middle classes only, to the exclusion of other classes, I appeal to the House whilst contemplating its own success under the Act of 1870, which has been produced through the influence of competition and persuasion; and I trust that the House will not be induced hastily to adopt further compulsory powers with respect to the education of the children of the labouring classes. This is the case to which I have alluded. I have been requested by the guardians of the Aston Union to submit this case to the consideration of the House. There is a poor widow of the name of Sarah Anne McHugh, who is resident in Mill Street, Sutton Coldfield. Her husband had not long since died of small-pox in the Union. This woman in order to maintain her three children goes out to labour. These children are respectively of the ages of 11, 5, and 2 years. The guardians allow the mother 2s. and three loaves per week for the eldest and youngest child—the second child being from home in a Roman Catholic school, this being a Roman Catholic family—conditionally that her eldest child, Sarah Anne, should attend some elementary school. The guardians had received a certificate from a medical gentleman in Sutton Coldfield, that the youngest child is now ill and under his care, and as its mother was obliged to go out daily to work it was necessary that the elder girl should remain at home to take charge of her sick sister. The guardians, therefore, under the circumstances, continued the relief to Mrs.

*Mr. Newdegate*

McHugh as usual for a short period, and forwarded to the Local Government Board a copy of the medical gentleman's certificate, and asked whether under the circumstances such was a reasonable excuse for the child's absence from school, and legally justified the guardians continuing the full relief to Mrs. McHugh during the illness of her younger child. The answer of the Local Government Board is that, as at present advised, they thought that the younger child of Mrs. McHugh would be best relieved in the workhouse, and, if necessary, in the infirmary. As regarded the elder child, so far as the Board could form an opinion upon the facts stated, they did not think that there was any reasonable excuse, within the meaning of the Act, for her non-attendance at school. Now, I think that this is a case of compulsion of sufficient severity to satisfy the hon. Member for Sheffield and the hon. Member for Birmingham. The Local Government Board thought it better that the sick child, and probably the whole family, should be sent to the union workhouse rather than that the sister of 11 years old should not regularly attend school. The hon. Member for Birmingham, and the hon. Member for Sheffield, however, wish for greater compulsion than this; and this Bill, which is now before the House, would render such cases as this, which, I am happy to say, are now the exception, the rule. I have known Birmingham and Aston longer than the hon. Member for Birmingham, and I venture to tell him, that a repetition of such cases as this will produce a discontent among that manly population, which he will not find it easy to meet even when wielded with all the irresponsibility of a school board. I have no intention of prolonging the debate; but when the hon. Member for Sheffield cites the effect of education in Germany upon its commerce and its army; when he cites the effect of education in Switzerland, not throughout Switzerland, but in the Protestant cantons only, I beg him to remember that he is citing the success of a compulsory system not applied to the labouring population only, not to the wage-earning population of those countries only, but a system of compulsory education extending from the poorest of their inhabitants to the Crown Prince that is next the Throne. There may be

merits in that system. If ever we find in England that the youth of our aristocracy are becoming as frivolous as the aristocracy of France was at the close of the last century; if we find that they are merely devoted to their pleasures—useless, in fact—it will then be time to apply throughout the German principle, for the sake of accomplishing the resurrection of the country. One would think that the hon. Member for Sheffield must have contemplated some such state of national decay as existing in this country, or he would have shrunk from the arbitrary measures which he has suggested.

MR. FAWCETT, in supporting the Bill, said, he could not yield to the appeal which had been made to him by the hon. Member for Newcastle (Mr. Hamond) to oppose this Bill on the ground that it would increase local taxes. In voting for the Bill, however, he desired it should not be understood that he was pledging himself to the opinion that school boards in the rural districts were the best machinery, or the only machinery which could be adopted for securing attendance at schools. This country had been put to the expense of providing school accommodation for every child of school age, and Parliament had affirmed the principle that no child employed in any branch of industry under a certain age should be permitted to work unless it attended school so many hours a week, and he thought the time had come when we should cease to make any distinction in favour of children who were not at work as distinguished from those who were at hard work. The same rule ought to be applied in the case of children who were not at work as in the case of children who were at work. School boards at the present moment were the only available means of securing the attendance of children at school. If the Government would promise to introduce next Session a Bill based on the principle that every child of school age should attend school, whether at work or not, and that through the agency of school boards or some other agency that principle should be carried out, he thought it would be expedient on the part of his hon. Friend the Member for Birmingham to give the Government time to prepare a measure on this subject. Some hon. Members on the opposite side of the House thought that the

supporters of this Bill desired covertly to strike a blow at voluntary schools, but that opinion was unjust. So far as he was concerned, he was not aware that he had ever done anything that was hostile to the voluntary schools, and if he had done so, he deeply regretted it. Let him have an opportunity of deciding as to the efficiency of the education in the voluntary as compared with the board schools, and if he found the education of the former was the better of the two, he should say let the parent send his child to a voluntary school. What he believed would take place was this—that the voluntary schools and the board schools would work side by side in a spirit of useful rivalry, and that the common-sense people of England would ultimately come to send their children to those schools where they thought that they could obtain the best education for them, and that with those schools the victory would ultimately rest. He hoped, after this avowal, he should not be accused of wishing to deal a secret or indirect blow at the voluntary system. With regard to compulsion, the hon. Member for North Warwickshire (Mr. Newdegate) and the hon. Member for Newcastle (Mr. Hamond) had spoken against the infliction of a compulsory system of education in this country; but the truth was, that the feeling of the public at the present moment was not that compulsory education was an infliction, but that it was a great agency placed in their hands for raising the moral and social condition of the country. There was nothing in the Elementary Education Act to compel the school boards to adopt compulsory education. The Education Office had not the power to compel a single school board in England to adopt compulsory education; and yet what had been the result? At present seven-eighths of the entire borough population of this country were under school boards; and out of that population under school boards as many as 98 per cent had, by their spontaneous action, adopted the system of compulsory education. It was almost absurd, therefore, to speak of compulsory education as an infliction. In no single instance in which a school board had adopted compulsion at the first election, had that decision been reversed at the second election. The present Government and those who supported them had

undoubtedly made themselves parties to an important extension of the principle of compulsory education in regard to industry; and he would, therefore, appeal to the Government, if it was thought right that if a child employed in a factory should attend school so many hours a week, how they could possibly maintain the justice of the policy of saying that if a child was not employed but running to ruin in the streets, no obligation should be imposed to force its attendance at school. He disliked compulsion as much as the hon. Member for Pembrokeshire (Mr. Scourfield); but, although he asserted that as a general principle, he thought there was nothing in politics so mischievous and so misleading as to trust to general principles. It was necessary to decide each case on its merits, and if it could be proved that the children of this country could be educated without compulsion, he should be the strongest opponent of compulsion. It had been proved, however, that without compulsion the children could not be educated, and therefore he supported its reasonable and legitimate extension. With respect to a challenge which the hon. Member for Newcastle had thrown down to himself (Mr. Fawcett) in regard to local taxation, the present debate afforded the strongest argument in support of his proposition, that as long as the questions of local taxation and local government remained unsettled they must form a very serious impediment to the social and economical code of the country. He admitted that under the present system an injustice was very often inflicted on the occupier as distinguished from the owner by the establishment of school boards. But if the Government refused to adjust that inequality, it was impossible for them to let people remain in ignorance because that question of local taxation was not settled. It was the fault of the Government if it was not settled, and they must bear the responsibility. He wished it to be understood that the supporters of the Bill did not pledge themselves to the principle of school boards as the best or only means of carrying out the object in view; and if the Government would only say that they would take up the question next Session, although they might propose other machinery for compulsory education, he, at all events, should not show any dogged preference for school boards.

*Mr. Fawcett*

MR. A. MILLS, as a member of the London School Board, said, that in the district he represented there was much difficulty in enforcing the compulsory bye-laws, but by the exercise of strictness tempered with mercy, and by adopting uniformly the plan of never sending a case to a magistrate which could be dealt with otherwise, it was quite possible to carry the rules into execution. At first he was not himself much in favour of compulsion, but the experience of a year and a-half on the London School Board had convinced him that in towns it would be useless for school boards to expend the money of the ratepayers in the building of schools, if they had not compulsory powers. As to the charge of harshness in carrying out the bye-laws, he could only say that the officers of the Board endeavoured to bring children to school, and in doing so, he considered they had discharged their duties with humanity and civility. But the House would be labouring under a delusion to suppose that the difficulties of the situation could be disposed of by the magic word "compulsion." What had been the effect of compulsion in the metropolis during the half-years ending respectively December, 1873, and December, 1874? Allusion had been made to the number of children on the roll and the number in actual average attendance. Well, he found that in the half-year ending December, 1873, there were 315,826 children on the roll in the schools in London, and that that number had increased for the half-year ending December, 1874, to 368,968, being an increase of 53,142 children on the roll. But then take the actual average attendance, which for the half-year ending December, 1873, was 236,143, as against 271,258 for the half-year ending December, 1874, showing an increase of 35,115 only in attendances, or an actual falling off of nearly 1 per cent in the proportion of actual attendances to the members on the roll. It was evident from these figures that we had not found the right way to work our system of compulsion, since that was the result after the London School Board had spent more than £1,000,000 in building 70 to 80 additional schools to accommodate 70,000 additional children. While, however, they could not by the present mode of executing the compulsory bye-laws really attain the result which some

enthusiasts who were in favour of the system expected, yet it could not be denied that by their operation a large number of additional children had been brought into the London schools. But when it was proposed to universalize school boards in the rural districts, they were dealing with an entirely different condition of things. If the hon. Member for Birmingham, who had introduced the subject in a very moderate speech, wanted to make education stink in the nostrils of the poorer classes he had only to persevere with his Bill. Complaints had been made that the working of the school boards was not fair to the voluntary schools in regard to the high salaries given to the teachers of the board schools, and he regretted that the school boards had adopted so extravagant a scale, but they were only carrying out the behests of the Education Department. On the whole, believing that it would endanger the principle of so framing our system of Elementary Education as to draw forth the largest possible amount of local and personal effort, he could not conscientiously support the Bill.

MR. RAMSAY said, that after the discussion they had listened to in regard to the measure before the House, he considered that he should best study their convenience by making only a few brief remarks, principally in reference to the working of the Scotch Education Act. Allusion had been made during the debate by the hon Member for Pembroke (Mr. Scourfield) to some remarks made quite recently in the House on the Motion of the hon. Baronet the Member for Perthshire (Sir William Stirling-Maxwell), when that hon. Baronet brought forward the question of the Scotch Education Act, and pointed out that some defects were to be found in that measure; and the hon. Member seemed to deprecate the idea that the House should entertain any experience derived from Scotland in consequence of the chorus of opinion against the Scotch Act, which had arisen from the great expense that the working of the Act had caused to the ratepayers of that country. He (Mr. Ramsay) wished to remove from the minds of the House the opinion that in seconding the Motion of the hon. Member for Perthshire, he had any object in view but that of perfecting the Scotch Education Act. He pointed out



some of the defects of that measure, and he had then suggested a way by which the ratepayers might be relieved with advantage both to them and to the cause of education. But the hon. Gentleman the Member for Pembrokeshire was very much mistaken, if he considered that the people of Scotland were not sensible of the merits of the Act of 1872. He himself did not consider that Act perfect; but he believed that the promoters of it would be handed down to posterity as benefactors of their country, and as the authors of one of the greatest blessings which the Legislature had conferred upon the people of Scotland during the present century. When they supplanted a system that had been in existence for centuries, by which a school was provided in every parish, it was not to be expected that such a measure would be found at first to be quite perfect. Prior to 1872, they had in Scotland about 980 parish schools, and the Act had not only to supersede this system, but to establish a system by which something like 6,000 schools were to be provided in Scotland. He thought, therefore, that the framers of that measure might be forgiven if they overlooked some matters, and left some defects in their work. In Scotland it had not been left to school boards to frame bye-laws; but the Legislature had provided for the people of Scotland the rules in relation to attendance, and which compelled and enforced the attendance of all children at school. He believed that hon. Members on both sides of the House were of opinion that the whole of the children of the United Kingdom should be thoroughly educated, and he considered that the object of hon. Members in this House should be to raise the standard of education—not to rest satisfied with reading, writing, and arithmetic, but to provide a higher education than the Sixth Standard of the English Code. He trusted that the day was not far distant when the education standard would be raised in the manner he had indicated. What were the provisions of the Scotch law? He would refer to four sections of the Act of 1872 as embodying all those parts of the Act which enabled school boards to enforce the attendance of children at schools. The 69th section provided that all children between the ages of 5 and 13 years should receive elementary educa-

tion. The 70th section stated that it should be the duty of every school board to appoint officers who should ascertain and report what parents had failed to perform the duty of providing such elementary education; while the 72nd section enacted that any person employing a child under 13 years of age who had not attended a school for three years between the ages of 5 and 13, and who was not able to read and write, should be liable to fine and imprisonment; and the 73rd section provided for the punishment of the parents of such child. He had read these provisions, because some misapprehension existed regarding them. The noble Lord the Vice President of the Council stated recently, in answer to an inquiry, that the Government were justified in determining that reading and writing should be sufficient for children in England, on the plea that the Scotch Act made such a provision; but the sections just read to the House furnished no ground for such a view. It was the duty of the parent to provide elementary education, and he remained liable to prosecution if he failed to provide it in the three branches of reading, writing, and arithmetic. The only means by which a child could be relieved from that obligation to attend school was stated in the Act, and it was that he should have passed a satisfactory examination in reading, writing, and arithmetic. He had already taken part in discussing the defects of the Scotch Education Act, but he challenged any hon. Member of that House to say that he had ever heard the compulsory clauses quoted as an objection to the Act, or as being otherwise than a blessing to the nation. He had heard it said, on the contrary, that if the Act did nothing more than to provide school boards for the purpose of enforcing the attendance at school of the children of the whole population, it would be a very great blessing indeed. He had furnished himself with some statistics with regard to the working of the Act, and he found that so harmoniously and with so much consideration and discretion for the circumstances of the parents had the Act been worked, that although in the year ending 31st December, 1874, 6,339 summonses had been issued in the whole of Scotland for parents to appear before school boards for neglecting to secure the attendance of their children at school, there were only 155 prosecu-

*Mr. Ramsay*

tions in the Courts during that period, and of these only 109 resulted in a conviction. The result was that the school attendance had been very largely increased—so largely, indeed, that the school boards would think that they were appointed to do work which they had not the means of performing, but for the compulsory powers to which he had alluded. He would now tell the House the cost of these prosecutions under the Act during the whole year. He found that the prosecutions of those 155 parents had cost £262, which was somewhat less than the three-hundredth part of a penny on the total amount of the whole rental of Scotland. It might be supposed by some that these remarks referred to the large towns only; but he saw that in a rural parish in the county of Haddington, 29 summonses from the school board were issued to parents who were defaulters in respect of not enforcing the attendance of their children, but no prosecution had been necessary in any one case, the remonstrances of the visiting officers having been found sufficient not only in that but in most other parishes in Scotland to secure the attendance of the children at school. He did not wish to take up much of the time of the House, but wished to quote a few figures with regard to Glasgow, which conveyed some important information with regard to that town. From the Report of the Scotch Board of Education for 1873, he saw that when the school board for Glasgow entered on its duties it found 1,400 children in the Calton district who were not under instruction, and now, through the effects of remonstrances and warnings, 1,090 of them had been sent to school. Eighty-six parents had been summoned before the school board, and only in six cases had they found a resort to legal proceedings necessary. It could not, therefore, be said that the board enforced their powers harshly, and without regard to the circumstances of the parents. He thought that was a fair argument for extending the system to England. In 1874 the officers of the Glasgow school board visited 4,560 cases, served notices upon 3,330, by which 2,095 were sent to school, so that only 375 children were left who were not in attendance or sent to school. He would trouble the House with just one other case, and that was the parish of Govan near Glasgow, which

had a large general and manufacturing population. The school board of Govan stated that in May, 1873, the number of children on the roll in all the schools of the parish amounted to 7,198, while in May, 1874, it amounted to 9,438, or an increase of 2,240. The average attendance in all the schools was in May, 1873, 6,072, and in May, 1874, 7,843, an increase of 1,771. When the board took office 2,640 children were not under instruction, but in the course of a year, through the influence of visits and the serving of notices and summonses to appear before the board, 1,989 of those were sent to school, and the number of defaulters had been reduced to less than a quarter. Within the last two months they have served notices on 284 parents, representing 510 children, of whom 273 had been sent to school, leaving only 237 to be dealt with instead of 2,640, which was the number of defaulters only 27 months ago. With such facts as these before it, he thought the House could hardly hesitate to adopt compulsory attendance. He did not care by what name the body might be called, so long as some tribunal was found which should secure compulsory attendance, and he would impress upon the House the urgency of immediately doing something in this matter. By these means, and these means only, could they hope to keep their place in the race among nations. He trusted that the day was not distant when they would see some higher instruction attempted, and that the people of England might be induced to take a different view of what constituted education than they had had placed before them by those who would stop at the Third and Fourth Standards of the English Code.

VISCOUNT SANDON said, he thought the House would agree with him that the discussion had been a useful and interesting one, but he would not attempt to follow in detail the points which had been raised; and with regard to the statements of the last speaker (Mr. Ramsay) as to the working of the Act in Scotland, he would merely say that these changes must be tested by a longer experience before any safe deduction could be made from the facts. The hon. Member for Newcastle (Mr. Hamond) in his able speech had started a novel and, at the same time, a new point—that it was illegal for the Education Depart-

ment to order the establishment of school boards, whether on the application of a majority of the ratepayers, or of the town council, merely for the purpose of compulsion, where there was no deficiency of school supply. His hon. Friend was a high authority in legal matters, and he (Viscount Sandon) would therefore not venture to place his legal opinion against that of his hon. Friend. He would only say that ever since the Education Act was passed the Department had acted upon the belief that it had the power of ordering the formation of school boards even when there was no deficiency of school supply. The hon. Member for Sheffield had apparently scanned the whole of the educational horizon, and would lead the House to suppose that this country was in a more deplorable condition as regarded education than almost any other nation in Europe. Now, he declined to enter into any comparison with other countries; but, at any rate, he must say that they had been making very surprising and rapid progress in the last four years, during which time the average attendance had been increased from 1,000,000 to 1,500,000, while in efficient schools passed by the Education Department school accommodation had been provided for 1,100,000 children, a state of things which evinced a considerable amount of zeal on the part of the country in matters of education. Nor was that result obtained merely by compulsion and by "squeezing the rates," as the phrase went, for to a great extent it was brought about by means of an enormous expenditure of private funds and voluntary effort. During the last four years, therefore, he was warranted in saying that great zeal had been shown in promoting education, both by the voluntary supporters of schools, by parents, and by the State. The hon. Member for Pembrokeshire (Mr. Scourfield) objected to the expenditure upon education; but he (Viscount Sandon) must tell the hon. Member that he believed it was not the wish of either side of the House to stint that expenditure. At the same time, he should feel it to be his duty to resist as strenuously as any one wanton outlay merely for the sake of encouraging contention between one denomination and the other or between one party and another in towns; but he should be very slow to check what ap-

peared to him the natural impulse of the country—namely, that not only should children be taught in good schools, but that they should have the best kind of instruction when they got there. With regard to the Bill, the hon. Member for Birmingham (Mr. Dixon) started by saying that its principle was compulsory attendance of children at school. He (Viscount Sandon) always had a suspicion that that was not the great object of the Bill, and that the main object of it was the formation of school boards; and he observed immediately after the hon. Member said that compulsion in attendance was the principle of the Bill, that he altered his position as compared with the one he took up last year. He said last year he did not care by what method children were brought to school so long as they were brought there, whether by school boards or by voluntary means. This was an important admission; but now, after objecting to indirect compulsion, or compulsion through Boards of Guardians, through voluntary managers, or through the Department at Whitehall, the hon. Member came to the conclusion that there was no way of enforcing compulsion except by means of universal school boards. That change from the position which the hon. Member adopted last year confirmed him in the opinion he had always held, that the principal object of the Bill was to get school boards by all means: school boards first, and the attendance of children afterwards, as a secondary consideration. Well, had the hon. Member proved that the feeling of the country was with him in his proposal to make this sweeping change? He had cited the opinion of certain delegates of agricultural labourers who met recently in Birmingham; but when these men found themselves in a town where the most enlightened Liberalism was supposed to exist, it was not surprising to find them yielding to the blandishments of gentlemen who told them there ought to be universal school boards. Next, the hon. Member had written to the clerks of school boards asking them what they thought of their masters, and as to the general feeling of the districts respecting school boards. The answer given was, that public feeling was becoming more and more favourable to school boards, and a most flattering description was also

*Viscount Sandon*



given of the members of those boards. But would not even a short experience of human nature lead most people to expect these reports as a matter of course? The hon. Member added that the tone even of dignitaries of the Church and managers of voluntary schools was gradually changing. Very probably, for the pressure upon the rates now made it more difficult for the managers of voluntary schools to obtain subscriptions, and as their school fees would increase in case of compulsion, they would be the better able to keep things going, and thus every religious denomination which owned schools had a direct pecuniary interest in compulsion. The speech of the hon. Member was founded largely upon theory and a great number of assumptions. Apply, instead, the test of stern facts as to whether the feeling of the country really favoured this great change. Out of 224 boroughs and 14,080 civil parishes, only 1,214 school boards had been formed, and out of those 1,214 only 734 had been formed voluntarily. Surely, if the feeling of the country was such as the hon. Member described it to be, more than 734 school boards would have been voluntarily formed. That fact alone must make the House pause before it came to the conclusion that so great a Resolution would either be acceptable to the country or would promote the cause of education. Here was another fact—From May, 1874, to May, 1875, 515 school boards had been formed. It was matter of surprise to the Department that so few large school boards had been obliged to be formed, and that voluntary effort had come forward in such a way; but out of these 515 school boards only 10 had passed bye-laws for the compulsory attendance of children. Even early that Session, hon. Gentlemen of great educational experience—like the right hon. Members for Bradford, Chester, and South Hants—demurred very much to the notion that school boards should be the solution of the acknowledged difficulty of procuring a good attendance at school. That fact, again, must make the House hesitate to admit that the feeling of the country was setting in in favour of universal school boards. What would the hon. Member do? He would force to have school boards 12,800 places which hitherto had shown no desire to have them. He would also force 843

school boards which had not passed compulsory bye-laws to have those bye-laws. Those figures put the case shortly, and he would ask some of the hon. Members opposite who had spoken so strongly on the subject, were they aware that school boards were indissoluble, and were they prepared to give to the ratepayers who voted for the adoption of school boards, the option of saying whether they wished them to continue or not? Unless they did that, they had no right to assume that all those places were charmed with school boards. A great deal had been said as to the manner in which compulsion had been accepted by the country. Had it never occurred to the hon. Member that in these cases the principle of compulsion had been adopted by the locality, only when the local representatives, freely represented by ballot, had determined on compulsion? There was a great difference between compulsion adopted in this way and compulsion forced on localities by missives from a Department. Moreover, it was rather rash to say that no objections had been taken to school boards where they already existed. There were some towns that they knew would not part with their school boards, but there were many that they knew nothing about, except by means of short official communications that passed through the hands of the Education Department. He again asked, would the hon. Member give to ratepayers the option of getting rid of school boards if dissatisfied with them? He (Viscount Sandon) was supporting school boards which were discharging the duty devolving upon them; but, he could not shut his eyes to the fact that an uneasy feeling existed at the burdens they imposed on ratepayers, and at the election expenses they entailed. If the best men did not come to the front, the election was left in the hands of inferior men; if they did come forward, they were mulcted by the expenses of the contest. Triennial elections were also becoming less and less acceptable through the bickerings and ill-feeling they created. It must not be supposed that he was against school boards, when they were necessary; but, when the House was told that there was a growing feeling in favour of universal school boards, he could not help calling attention to certain things which were passing around us, and was surprised



that these things had escaped the notice of an hon. Member who was "watching the signs of the times." As to the position of the Government in these matters, he did not wish it to be supposed that the Government were unaware of the serious question of securing the regular attendance of children at school, and of maintaining that regularity. He knew, also, the efforts which were being made by land owners and others, by persuasion and even sometimes by threats, to secure the same end. The hon. Member said, with truth—and, in doing so, had evinced great fairness—that wherever there was a resident squire and a good clergyman, the school would be found in a satisfactory state, and the statement of the hon. Member for Hackney (Mr. Fawcett) that the landowners were not doing their duty was without justification. On the contrary, the Papers in the Education Department showed extraordinary liberality on the part of landowners in supplying sites, and in promoting education in other ways. Then, were the Government doing their duty? One answer to this question was, that a Commission was now inquiring into the operation of the whole of the labour laws respecting education, and the Government would obtain accurate Reports as to the working of the Agricultural Children Act. Through the Code, too, the Government were striving to raise the character of the education, for they believed that if there were thoroughly good schools, it would be easier to get children into them. How would the Bill work, if it passed? School boards would be forced upon unwilling places, and unwilling members of unwilling school boards would be forced to pass bye-laws for compulsory attendance of children, when everything showed that the localities were not ready for direct compulsion. How could any man of sense expect school boards to work satisfactorily under such circumstances? As the homely proverb said, it was easy to take a horse to the water, but it was not easy to make him drink. Sometimes—as the experience of the Education Department proved—when a school board was elected, it was not elected to do the work it was supposed to have to do; and if there were more unwilling school boards, the work of education, instead of being promoted, would be retarded. Therefore, with a view of preventing a strong

feeling going forth to the country against their educational legislation—but at the same time expressing the earnest determination of the Government not to lose sight of the importance of getting children into the schools—he asked the House to reject that Bill, having for its object the establishment of universal school boards, a course of proceeding which he believed, in the long run, would destroy, instead of creating a feeling which they wished to exist in the country in favour of a higher and better education.

MR. W. E. FORSTER said, he did not think the noble Lord the Vice President of the Council had been quite fair to the hon. Member for Birmingham as to the chief object of his Bill. He had declared it to be the securing of the attendance of the children by compulsion, if necessary, and experience had proved that it was necessary. He (Mr. Forster) had so often expressed his opinions on the subject that it would not be necessary for him to address the House at any length. He should vote for the Bill this Session as he did last Session, because he believed it was now absolutely necessary to try to secure that the attendance of children at school throughout the Kingdom should be not partial, but general. He did not deny, at the same time that he was still doubtful whether, in the present temper of the country, the universal establishment of school boards was the best machinery for securing this object. But what was the position of those who thought the object one which ought at once to be secured? His noble Friend, who could not do his work day by day without coming to the same conclusion, did not come forward with any alternative measure. If a better measure than that now before the House could be suggested, let the Government submit it. The Bill would secure the general attendance of children, though with some disadvantages; and he warned those who cared for education, but disliked school boards, that every year's delay strengthened the argument in favour of school boards as the only practical plan of attaining this end. Most people now agreed that it was the duty of a parent to provide his child with some education; that if he could perform this duty it was criminal on his part to neglect it; that it was the business of the State to see that he did not neglect it, and to enable

him to perform the duty for him if he were unable to pay for it himself; and that if education were not generally enforced by the State, we should be afflicted with a weak, a vicious, and possibly a criminal population. Districts had accordingly been compelled to provide school accommodation, but day after day the representatives of the rate-payers, who had been forced to build schools, said—"It is unreasonable not to give us some means of getting children into them." How much longer were they to go on, making it a crime in one district for a parent not to perform this necessary duty, while in an adjacent district it was no crime? Was it fair to children in agricultural districts that their parents should not have the same legal inducement to perform their duty as existed in the case of the parents of town children? Was it fair to a clergyman in a country parish who had perhaps spent much of his income in providing school accommodation that he should be deprived of this help in securing the attendance of the children? Parliament could not stop with the principle of permissive compulsion. The experiment of compulsion had entirely succeeded, and he called upon the Government to say whether they would not take advantage of that success and apply the system to the whole country. The school Inspectors concurred in reporting in favour of a general measure of compulsion; and as to the 515 school boards established since May, 1874, they had hardly had time to send up compulsory bye-laws. There were certain towns in which compulsion did not exist; but, taking population into account, his hon. Friend (Mr. Dixon) was justified in saying that public opinion favoured the establishment of school boards, for seven-eighths of the population had placed themselves under school boards, and 98 per cent of this town population had adopted compulsory bye-laws. If country parishes had not generally done so, it was because it was not easy for them, in the present state of the law, to pass compulsory bye-laws, especially in the very small parishes, where within a limited district, it might be a crime not to send a child to school on one side of a hedge and no crime on the other. That argument showed the necessity of a general law. He hoped his noble Friend would study the whole

question, and, being perfectly aware of the evil, would soon be ready with a remedy. His noble Friend had taken steps with regard to the Winchester school board, which would be questioned in that House on a future occasion, for he had refused the appointment of a board there, notwithstanding the two resolutions passed in favour of a board by a majority of the town council. He hoped his noble Friend would satisfy the expectation which was entertained, even by the opponents of the school board in that city, that the Government would produce the necessary machinery for carrying out compulsion without a school board. As regarded that Commission of Inquiry into the Factory Laws, the terms of the Commission had not to do directly with agricultural children, as the noble Lord appeared to suppose. [Viscount SANDON dissented.] In conclusion, he called upon the House generally, and especially upon the Members for rural districts, to ask themselves why they should not try to get as much legal provision for the education of the children of the labourers on their estates as they had for the children of artizans in towns.

MR. DIXON, in reply, denied that it was his object by the Bill in any way to vex or annoy the voluntary schools. As the Government, after a delay of 12 months, had proposed no alternative measure, and had held out no prospect of one, he was entitled to say that they were unable to find any other machinery than that of school boards to carry out the principle of compulsion.

MR. MONK said, he did not wish to give a silent vote on the question, as he did last year. He was in favour of compulsory education, but he looked upon the Bill as a misnomer, inasmuch as it was a Bill not for the compulsory attendance of children at school, but for the compulsory creation of school boards throughout the country. He saw no necessity for such a measure, and should therefore vote for the Amendment. The Education Act was working well; wherever school boards were required they had been established; and it was easy to compel the attendance of children without compelling the creation of school boards.

Question put, "That the word 'now' stand part of the Question."

The House divided :—Ayes 164; Noes 255 : Majority 91.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for three months.

#### AYES.

Acland, Sir T. D.	Gladstone, W. H.
Adam, rt. hon. W. P.	Goldsmid, J.
Allen, W. S.	Goschen, rt. hon. G. J.
Anderson, G.	Gourley, E. T.
Ashley, hon. E. M.	Gower, hon. E. F. L.
Backhouse, E.	Grieve, J. J.
Balfour, Sir G.	Harrison, J. F.
Barclay, A. C.	Havelock, Sir H.
Barclay, J. W.	Hayter, A. D.
Bass, A.	Herschell, F.
Bass, M. T.	Hill, T. R.
Baxter, rt. hon. W. E.	Hodgson, K. D.
Bazley, Sir T.	Holland, S.
Beaumont, W. B.	Holms, J.
Biddulph, M.	Holms, W.
Brassey, H. A.	Hopwood, C. H.
Brassey, T.	Horsman, rt. hon. E.
Briggs, W. E.	Howard, hon. C. W. G.
Bright, rt. hon. J.	Hughes, W. B.
Bristowe, S. B.	Ingram, W. J.
Brogden, A.	Jackson, H. M.
Brown, A. H.	James, W. H.
Burt, T.	Jenkins, D. J.
Cameron, C.	Jenkins, E.
Campbell, Sir G.	Johnstone, Sir H.
Campbell - Bannerman, H.	Kensington, Lord
Carter, R. M.	Kinnaird, hon. A. F.
Cartwright, W. C.	Knatchbull - Hugessen, rt. hon. E.
Cavendish, Lord F. C.	Laing, S.
Cholmeley, Sir H.	Laverton, A.
Clarke, J. C.	Lawrence, Sir J. C.
Clifford, C. C.	Lawson, Sir W.
Clive, G.	Leatham, E. A.
Colman, J. J.	Lefevre, G. J. S.
Cotes, C. C.	Leith, J. F.
Cowan, J.	Lloyd, M.
Cowen, J.	Locke, J.
Cowper, hon. H. F.	Lorne, Marquess of
Cross, J. K.	Lush, Dr.
Crossley, J.	Lusk, Sir A.
Davie, Sir H. R. F.	Macdonald, A.
Davies, D.	Macduff, Viscount
Davies, R.	Macgregor, D.
Dickson, T. A.	Mackintosh, C. F.
Dilke, Sir C. W.	M'Arthur, W.
Dillwyn, L. L.	M'Combie, W.
Dodds, J.	M'Lagan, P.
Duff, M. E. G.	M'Laren, D.
Dundas, J. C.	Maitland, J.
Earp, T.	Maitland, W. F.
Egerton, Adm. hon. F.	Marjoribanks, Sir D. C.
Ellice, E.	Marling, S. S.
Evans, T. W.	Martin, P. W.
Eyton, P. E.	Monck, Sir A. E.
Fawcett, H.	Morgan, G. O.
Fletcher, I.	Morley, S.
Foljambe, F. J. S.	Muntz, P. H.
Fordyce, W. D.	Mure, Colonel
Forster, Sir C.	Noel, E.
Forster, rt. hon. W. E.	Palmer, C. M.

Pease, J. W.  
 Peel, A. W.  
 Pennington, F.  
 Perkins, Sir F.  
 Philips, R. N.  
 Playfair, rt. hon. L.  
 Plimsoll, S.  
 Potter, T. B.  
 Price, W. E.  
 Ralli, P.  
 Ramsay, J.  
 Rathbone, W.  
 Richard, H.  
 Roebuck, J. A.  
 Rothschild, N. M. de  
 Russell, Lord A.  
 St. Aubyn, Sir J.  
 Shaw, R.  
 Sheridan, H. B.  
 Sherriff, A. C.  
 Simon, Mr. Serjeant  
 Sinclair, Sir J. G. T.  
 Smith, E.  
 Smyth, R.  
 Stansfeld, rt. hon. J.

Stevenson, J. O.  
 Stuart, Colonel  
 Swanston, A.  
 Taylor, D.  
 Taylor, P. A.  
 Tracy, hon. C. R. D.  
 Hanbury-  
 Trevelyan, G. O.  
 Villiers, rt. hon. C. P.  
 Vivian, A. P.  
 Waddy, S. D.  
 Walter, J.  
 Waterlow, Sir S. H.  
 Watkin, Sir E. W.  
 Weguelin, T. M.  
 Whitwell, J.  
 Whitworth, B.  
 Williams, W.  
 Wilson, C.  
 Young, A. W.

#### TELLERS.

Dixon, G.  
 Mundella, A. J.

#### NOES.

Adderley, rt. hn. Sir C.	Charley, W. T.
Agnew, R. V.	Christie, W. L.
Alexander, Colonel	Clive, hon. Col. G. W.
Allen, Major	Close, M. C.
Arkwright, A. P.	Cobbett, J. M.
Arkwright, F.	Cobbold, J. P.
Arkwright, R.	Cochrane, A. D. W. R. B.
Ashbury, J. L.	Cole, Col. hon. H. A.
Baggallay, Sir R.	Collins, E.
Bailey, Sir J. R.	Conolly, T.
Baring, T. C.	Conyngham, Lord F.
Barrington, Viscount	Coope, O. E.
Barttelot, Sir W. B.	Corbett, Colonel
Bates, E.	Cordes, T.
Bateson, Sir T.	Corry, hon. H. W. L.
Bathurst, A. A.	Corry, J. P.
Beach, rt. hn. Sir M. H.	Crichton, Viscount
Beach, W. W. B.	Cross, rt. hon. R. A.
Bective, Earl of	Cubitt, G.
Benett-Stanford, V. F.	Cuninghame, Sir W.
Bentinck, G. C.	Dalkeith, Earl of
Bentinck, G. W. P.	Dalrymple, C.
Beresford, Colonel M.	Davenport, W. B.
Birley, H.	Deakin, J. H.
Boord, T. W.	Dease, E.
Booth, Sir R. G.	Dick, F.
Bourke, hon. R.	Dickson, Major A. G.
Bourne, Colonel	Disraeli, rt. hon. B.
Bousfield, Major	Douglas, Sir G.
Bowyer, Sir G.	Drax, J. S. W. S. E.
Bright, R.	Dunbar, J.
Brise, Colonel R.	Dyott, Colonel R.
Broadley, W. H. H.	Edmonstone, Admiral
Bruce, H.	Sir W.
Buckley, Sir E.	Egerton, hon. A. F.
Bulwer, J. R.	Egerton, Sir P. G.
Campbell, C.	Elliot, G.
Cartwright, F.	Elphinstone, Sir J. D. H.
Cave, rt. hon. S.	Emlyn, Viscount
Cawley, C. E.	Errington, G.
Cecil, Lord E. H. B. G.	Eslington, Lord
Chaine, J.	Ewing, A. O.
Chambers, Sir T.	Fellowes, E.
Chaplin, Colonel E.	Finch, G. H.
Chapman, J.	Floyer, J.

Folkestone, Viscount  
Forester, C. T. W.  
Forsyth, W.  
Gallwey, Sir W. P.  
Gardner, R. Richardson-  
son-  
Garnier, J. C.  
Gibson, E.  
Goddard, A. L.  
Goldney, G.  
Gordon, rt. hon. E. S.  
Gordon, W.  
Gore, J. R. O.  
Gorst, J. E.  
Grantham, W.  
Greenall, G.  
Gregory, G. B.  
Guinness, Sir A.  
Halsey, T. F.  
Hamilton, Lord G.  
Hamilton, Marquess of  
Hamond, C. F.  
Hanbury, R. W.  
Hardcastle, E.  
Hardy, rt. hon. G.  
Hardy, J. S.  
Hay, rt. hon. Sir J. C. D.  
Heath, R.  
Henley, rt. hon. J. W.  
Hermon, E.  
Hervey, Lord F.  
Heygate, W. U.  
Hick, J.  
Hildyard, T. B. T.  
Hill, A. S.  
Hodgson, W. N.  
Hogg, Sir J. M.  
Holker, Sir J.  
Holland, Sir H. T.  
Holt, J. M.  
Home, Captain  
Hope, A. J. B. B.  
Hubbard, rt. hon. J.  
Hunt, rt. hon. G. W.  
Isaac, S.  
Johnson, J. G.  
Jones, J.  
Kavanagh, A. MacM.  
Kennard, Colonel  
Kennaway, Sir J. H.  
Knight, F. W.  
Knowles, T.  
Lacon, Sir E. H. K.  
Learmonth, A.  
Lee, Major V.  
Legard, Sir C.  
Leigh, Lt.-Col. E.  
Lewis, O.  
Lindsay, Col. R. L.  
Lloyd, S.  
Lloyd, T. E.  
Lopes, H. C.  
Lopes, Sir M.  
Lowther, hon. W.  
Macartney, J. W. E.  
McKenna, Sir J. N.  
Mahon, Viscount  
Majendie, L. A.  
Makins, Colonel  
Malcolm, J. W.  
Manners, rt. hn. Lord J.  
March, Earl of  
Marten, A. G.

Maxwell, Sir W. S.  
Mellor, T. W.  
Mills, A.  
Mills, Sir C. H.  
Monckton, hon. G.  
Monk, C. J.  
Montgomerie, R.  
Morgan, hon. F.  
Morris, G.  
Murphy, N. D.  
Nevill, C. W.  
Newdegate, C. N.  
Noel, rt. hon. G. J.  
North, Colonel  
Northcote, rt. hon. Sir  
S. H.  
O'Clery, K.  
O'Connor, D. M.  
O'Gorman, P.  
O'Neill, hon. E.  
Paget, R. H.  
Palk, Sir L.  
Parker, Lt.-Col. W.  
Pateshall, E.  
Pell, A.  
Pelly, Sir H. C.  
Pemberton, E. L.  
Peploe, Major  
Phipps, P.  
Pim, Captain B.  
Plunket, hon. D. R.  
Plunkett, hon. R.  
Power, R.  
Praed, H. B.  
Price, Captain  
Raikes, H. C.  
Read, C. S.  
Repton, G. W.  
Ridley, M. W.  
Ripley, H. W.  
Ritchie, C. T.  
Round, J.  
Ryder, G. R.  
Sackville, S. G. S.  
Salt, T.  
Sanderson, T. K.  
Sandford, G. M. W.  
Sandon, Viscount  
Sclater-Booth, rt. hn. G.  
Scott, Lord H.  
Scott, M. D.  
Scourfield, J. H.  
Selwin - Ibbetson, Sir  
H. J.  
Shaw, W.  
Shirley, S. E.  
Shute, General  
Sidebottom, T. H.  
Simonds, W. B.  
Smith, A.  
Smith, F. C.  
Smith, S. G.  
Smith, W. H.  
Somerset, Lord H. R. C.  
Spinks, Mr. Serjeant  
Stanhope, W. T. W. S.  
Stanley, hon. F.  
Starkey, L. R.  
Starkie, J. P. C.  
Steere, L.  
Stewart, M. J.  
Storer, G.  
Talbot, C. R. M.

Talbot, J. G.  
Taylor, rt. hon. Col.  
Temple, rt. hon. W.  
Cowper-  
Tennant, R.  
Tollemache, W. F.  
Torr, J.  
Trevor, Lord A. E. Hill-  
Turnor, E.  
Wait, W. K.  
Wallace, Sir R.  
Walpole, rt. hon. S.  
Watney, J.  
Walby, W. E.

Wells, E.  
Whalley, G. H.  
Wheelhouse, W. S. J.  
Whitelaw, A.  
Williams, Sir F. M.  
Wilmot, Sir J. E.  
Wolff, Sir H. D.  
Woodd, B. T.  
Yeaman, J.  
Yorke, J. R.

## TELLERS.

Dyke, W. H.  
Winn, R.

## LABOURERS COTTAGES (SCOTLAND)

## BILL—[BILL 39.]

(*Mr. Fordyce, Sir George Balfour, Mr. McCombie,  
Mr. Barclay, Mr. Kinnaird.*)

## SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed,  
"That the Bill be now read the second  
time."—(*Sir George Balfour.*)

MR. VANS AGNEW said, he opposed the Bill on the ground that the proposal it made trenching upon the rights of property. He did not deny that some improvement might be made in the cottages of labourers in Scotland, but he was not prepared to consent to a measure like the one under notice. A similar measure was introduced into this House the Session before last. There were many objectionable features in that Bill; and some of them had been renewed in this Bill, but not the whole of them. Now, what this Bill did was to raise a presumption that if a tenant or occupier erected any building upon the land, it should be held to belong to that occupier or tenant, and when he left the landlord must pay him for it. It might happen that a landlord having a tenant whose lease had not many years to run, would desire not to let the same land again for arable purposes. He might wish to let it out for grass, or he might desire to join two farms together; yet under the Bill he might be compelled to pay for cottages for which he had no further use. At all events, as far as he read the Bill, there was nothing to prevent it. The occupier was to place his cottages where he pleased, without the leave of the landlord, and therefore a tenant might place a cottage near his own house, on his green. He should be glad to see a Bill passed which would enable landed proprietors who had had real value added to their estates by the



tenants, to be charged with the cost in a less expensive made than by applying to the Court of Session. At present there was a Bill before Parliament for that object, and this Bill ought not to be read a second time without clearing that matter up. The interpretation clause of this Bill said nothing about the materials of which the building was to be built. It said nothing of the minimum size of the doors and windows, and nothing as to sanitary matters. The promoters of the Bill, in fact, said nothing as to whether the cottage was to be such a one as if built in a town would be sanctioned under any of the Improvement Acts. If the landlord was to be called upon to pay for the cottages, he ought to have some security that they were proper buildings, and that they should not be houses built with timber from his own estate, and merely thatched. It would be a strong measure to call upon the landlord to pay for cottages the walls of which were only built of clay. The Bill was so carelessly drawn that he found no safeguards whatever in it. There was nothing to prevent the cottage being built of mud, and below the level of the ground, and yet the landlord was to be called upon to pay for such a building. There was another point worthy of consideration. The Agricultural Holdings Bill for England was now before Parliament, and in it there were three classes of improvements, and one of these included the erection and maintenance of buildings. Now, they had been informed that a similar Bill would be introduced for Scotland. He, therefore, asked those hon. Members who had introduced the Bill whether it would not be wiser to wait until the Scotch Agricultural Holdings Bill came into this House before pressing this measure forward?

MR. J. W. BARCLAY said, the Bill was intended to enable tenants to do that for the landlords which the landlords would not do for themselves. It was not denied that there was a great lack of cottage accommodation in Scotland, and a great portion of the illegitimacy of the country was attributed to the want of cottage accommodation in certain districts. The county which the hon. Member who had just spoken represented stood pre-eminently high in its illegitimacy statistics, and it would be especially benefited by the Bill. He was therefore surprised—

*Mr. Vans Agnew*

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

#### PARLIAMENT—OPPOSED BILLS.

##### QUESTION.

MR. DILLWYN asked Mr. Speaker, Whether an opposed Bill could be read a second time after a-quarter past 6 on Wednesdays, or after 10 minutes to 7 on days on which Morning Sittings took place? He put that Question with reference to the Increase of the Episcopate Bill, which had been read a second time on Friday last a few minutes before 7, in the absence of the Members who were opposed to it. He wished to know, If, in order to stop the progress of a Bill at these times, it was necessary that a Member should rise in his place and oppose it. He also wished to know, whether, if he informed the hon. Member for Cambridge that he intended to prevent his proceeding with the measure on the present occasion, Mr. Speaker would consider that he had spoken on the subject, and would not allow him to address the House again upon it at that stage?

MR. SPEAKER said, that if there was any opposition to the progress of a Bill brought on at a quarter before 6 on Wednesday, or at 10 minutes to 7 on other days, as the case might be, the measure could not, according to the Standing Orders, be proceeded with. If the hon. Member now objected to proceeding with the Increase of the Episcopate Bill he would not, according to the practice of the House, be held to have spoken.

#### CHELSEA HOSPITAL (LANDS) BILL.

(*Mr. Stephen Cave, Lord Henry Lennox*)

[BILL 193.] SECOND READING.

Order for Second Reading read.

MR. STEPHEN CAVE, in moving that the Bill be now read the second time, said, its principle object was to carry out the provisions of the 7th Geo. IV., c. 16, which provided for the conveyance of all the lands occupied by Chelsea Hospital to the Commissioners of the Hospital. It seemed that the hospital lands were, prior to a certain date, bought in the name of the Crown, and subsequently in that of the Commissioners, though all were paid for out of the Hospital funds. Inconvenience had

from time to time arisen owing to the intersection and obliteration of boundaries, and now some measure of this kind had become absolutely necessary in order to enable a legal conveyance to be made to the Metropolitan Board of Works of land required for the Thames Embankment. It had been ascertained that the simplest plan would be to pass a short Act for this purpose. He had, therefore, introduced this Bill on behalf of the Commissioners of Chelsea Hospital, and with the consent of the Treasury and the Commissioners of Woods and Forests. The right hon. Gentleman concluded by moving the second reading of the Bill.

*Motion agreed to.*

Bill, read a second time and *committed for To-morrow.*

#### UNITED PARISHES (SCOTLAND) BILL.

On Motion of Mr. DALRYMPLE, Bill to amend the Act of the seventh and eighth years of Her Majesty, chapter forty-four, relating to the formation of Quoad Sacra Parishes in Scotland, *ordered* to be brought in by Mr. DALRYMPLE, Colonel ALEXANDER, and Mr. M'LAGAN.

Bill *presented*, and read the first time. [Bill 201.]

House adjourned at five minutes  
before Six o'clock.

## HOUSE OF LORDS,

*Thursday, 10th June, 1875.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Elementary Education Provisional Order Confirmation (London) (No. 2) \* (141); Intestates Widows and Children (Scotland) \* (143).

*Second Reading*—Public Stores \* (110); Public Health (Scotland) Provisional Order Confirmation (No. 3) \* (121); General Police and Improvement (Scotland) Provisional Order Confirmation \* (130).

*Committee*—Landed Estates Act (Ireland) Amendment \* (97).

*Report*—Artizans Dwellings (132).

*Third Reading*—Customs and Inland Revenue \* (126); Post Office \* (116), and *passed*.

## REPORTED EPIDEMIC IN THE FIJI ISLANDS.—QUESTION.

THE EARL OF SHAFTESBURY: My Lords, seeing the noble Earl the Secretary of State for the Colonies in his place, I take the liberty of asking him a Question of which I have given him some Notice. Your Lordships may have

seen in the newspapers yesterday a telegraphic despatch relating to the Fiji Islands, and dated Melbourne, June 7. It was to this effect—

“Melbourne, June 7.

“Advices received here state that 50,000 Fijian natives have died during the epidemic of measles which has been for some time prevalent in the Islands.”

My Lords, that is a most portentous announcement, and must cause a painful apprehension in all our minds. I, therefore, wish to ask my noble Friend, Whether the attention of the Government has been drawn to the fact of the outbreak of measles; and, whether they have been able to devise any means of staying the progress of the pestilence?

THE EARL OF CARNARVON: My Lords, I am sorry to say that there is only too much truth in the statement which my noble Friend has quoted from the telegraphic despatch in the newspapers. I am not prepared to say that the figures therein mentioned are correct, because, as your Lordships are perfectly well aware, accuracy in dealing with Native races in circumstances such as those of the Fijians is almost impossible; but I fear that substantially the statement is true, and that a very large proportion indeed of the population have perished. I expect from day to day fuller details, but I have yet heard enough to know that a very large proportion of the Native population have been extinguished by this horrible pestilence. My Lords, the disease itself was, unhappily, imported into the Islands by Europeans, and the present state of affairs is as bad and as sad—so far as we have the means of judging—as can possibly be. The Chiefs, some of whom were men upon whose intelligence and superior ability we had calculated in the conduct of the Government during the next few years, have been swept off. The people themselves are panic-stricken. They refuse the medicine that is offered to them—the medical aid that is proffered to them—and in some instances, driven to madness by the fierceness of the attack, they lie down in pools of water or by the sea-beach, which brings on attacks of dysentery to which they succumb. The truth is that this outbreak of measles has become a most serious pestilence, raging with extraordinary fierceness, as pestilences generally do among Native races that have never before been ex-

posed to them. It is perfectly well known to my noble Friend and your Lordships that diseases which have, comparatively speaking, little effect upon civilized populations produce most disastrous results in the case of Native races, and just in proportion as the race is remote and isolated so are the ravages of the disease violent. I might mention a case so peculiar in this respect that it is worthy of your Lordships' attention. In the Faro Islands about 1845 or 1846 an outbreak of measles occurred. The disease had been unknown in the Islands for 65 years previously. It is believed that at this second outbreak it was imported by a ship from Copenhagen. The whole of the population in the Faro Islands was attacked with it except two classes; and those two classes were, first of all, a number of people who were living in an insular position, cut off from the rest of the community, and secondly—which is extremely curious—people who had had the disease previously—65 years before. This shows how fatal are diseases of this kind when they fall upon what may be termed virgin soil. But, my Lords, besides the physical effects of this calamity—there is no use in concealing it—the moral results are very serious. There exists in the Islands, I am afraid, a very widely-shared notion that the disease has been introduced into them by Europeans, and communicated with a deliberate purpose—a circumstance which makes the future task of their government the more difficult. My noble Friend asks me what the Government have done? I am afraid my answer must be that Her Majesty's Government are almost powerless in the case. Spreading as this disease has spread with extraordinary rapidity, it is obvious that by the time supplies could be sent from this country—if such a course were practicable or expedient—it would probably have burnt itself out. In fact, for purposes of assistance, Sydney is a far better basis for medical operations than England can be. I have telegraphed to the local authorities to spare neither expense nor exertion in this matter. I have further informed them, that in the present state of excitement which prevails in the Islands, to take the precautions that suggest themselves against possible disturbances. Beyond this I am afraid it is impossible

to go. I have, however, great confidence in the zeal and energy of the local authorities. I am satisfied that everything that can be done by Sir Hercules Robinson, who is at Sydney, and by Sir Arthur Gordon, who is on the spot, will be done: and I have every reason to be satisfied with the reports that have reached me from Mr. Layard, who is provisionally in charge of the Government of Fiji. He reports that so far as possible he has made offers of assistance to the unfortunate people; but in this respect difficulty arises when you have to deal with the distant and inaccessible parts of the Islands, to which, in present circumstances, no messenger can go. I should say that all the English functionaries and officials in the Colony have shown a praiseworthy zeal, and that they have all exerted themselves to the utmost of their power. I may mention, as a proof of the beneficial effect of medical aid when it is availed of, the rather singular fact that out of the whole of the constabulary which were attacked by the disease very few deaths indeed have resulted, and for the simple reason that it was possible to place them under medical discipline and care. Mr. Layard says that in almost every case where full medical aid was possible no death has ensued. I am afraid, however, as I said before, that the mortality is large, and my only hope is that, as the virulence of the pestilence was in proportion to its magnitude, the worst is now past, and there only remains to restore the Islands to the best condition possible under the circumstances.

#### ARTIZANS DWELLINGS BILL.

(*The Lord Steward.*)

(Nos. 82, 132.)

#### REPORT OF THE AMENDMENTS.

Order of the Day for receiving the Report of the Amendments, read.

*Moved* that the said Report be now received: objected to; and, after short debate, on question, *resolved* in the affirmative; Report received accordingly.

EARL BEAUCHAMP said, that in accordance with a promise given by him in Committee, he would now move to insert the following as a separate paragraph, at the end of Clause 12:—

*The Earl of Carnarvon*

"A statement of any modifications permitted to be made in any part of an improvement scheme in pursuance of this section shall be laid by the confirming authority before both Houses of Parliament as soon as practicable after they are made, if Parliament be then sitting, and, if not, within one month after the next meeting of Parliament."

LORD REDESDALE objected to the Amendment. He also thought some additional words should be inserted in the clause to restrict the power of the Secretary of State to modify schemes under the Bill.

After a short conversation, on Question their Lordships *divided*:—Contents 25; Not-Contents 23: Majority 2.

Amendment *agreed to*.

An Amendment made; and Bill to be read 3<sup>a</sup> on *Thursday* next.

ELEMENTARY EDUCATION PROVISIONAL  
ORDER CONFIRMATION (LONDON) (NO. 2)  
BILL [H.L.]

A Bill to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same—Was *presented* by The LORD PRESIDENT; read 1<sup>a</sup>; and *referred* to the Examiners. (No. 141.)

House adjourned at Six o'clock,  
till To-morrow, half  
past Ten o'clock.

HOUSE OF COMMONS,

*Thursday, 10th June, 1875.*

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Employers and Workmen [203]; Conspiracy and Protection of Property\* [204]; Orphan and Deserted Children (Ireland)\* [205]; Juries (Ireland)\* [206].

*Second Reading*—Supreme Court of Judicature Act (1873) Amendment (No. 2) [162], *debate adjourned*.

*Committee—Report*—Militia Laws Consolidation and Amendment\* [160-202]; Chelsea Hospital (Lands)\* [193]; House Occupiers Disqualification Removal [164].

*Third Reading*—Metropolis Local Management Acts Amendment\* [153].

*Withdrawn*—Open Spaces (Metropolis)\* [50].

INDIA OFFICERS COMPENSATION—  
REPORT OF THE SELECT COMMITTEE.

QUESTION.

MR. KAVANAGH asked the Under Secretary of State for India, Whether

Her Majesty's Government intend to take any action on the Report of the East India Officers Compensation Committee; and, if so, whether he would object to say what that action would be?

LORD GEORGE HAMILTON: Sir, the Report of the Select Committee has for some time past been under the consideration of the Secretary of State for India, and a Despatch will be laid within the next week before the Council addressed to the Government of India, and assenting generally to the recommendations of the Select Committee.

CATHOLIC EMANCIPATION ACT—  
JESUITS IN ENGLAND.

QUESTION.

MR. WHALLEY asked the First Lord of the Treasury, with reference to the remarks of Count Münster at the National Club, Whether he has become informed, either by means of the public journals or otherwise, that there is now resident in this Country, in contravention of the Act 10 Geo 4, c. 7, s. 28, a considerable number of members of the Society of Jesus, commonly called Jesuits; and, whether he is prepared to enforce against such persons the provisions of the said Act; and, if not, whether he is prepared to adopt some other and what means of protection against the perils contemplated and provided for by the said Act?

MR. DISRAELI: Sir, there is no doubt that there are in this country "members of the Society of Jesus, commonly called Jesuits," and there is also no doubt that their presence in this country is, under the Act of 10 Geo. IV., known as the Roman Catholic Emancipation Act, a misdemeanour. During, however, the period which has elapsed since the passing of that Act, now nearly half a century, the Government of this country has, I believe, in no instance—none at least known to myself—proceeded against any Jesuit for committing a misdemeanour under its provisions, and so far as Her Majesty's present Advisers are influenced by the circumstances with which they are acquainted, the same policy will continue to prevail. At the same time, I beg it to be understood that the provisions of the Act are not looked upon by Her Majesty's Government as being obsolete; but, on the contrary, as reserved powers



of Law of which they will be prepared to avail themselves if necessary.

GAME LAWS (SCOTLAND)—GAME-KEEPERS.—QUESTION.

MR. FORTESCUE HARRISON asked the Secretary of State for the Home Department, Whether his attention has been drawn to the last Report of the Inspectors of Scotch Constabulary, in which it appears that the custom of swearing in gamekeepers as special constables in two Scotch counties still continues, notwithstanding the reply given by the Right honourable Gentleman to a question on this subject last June; and, whether he will take some early means of ending such a practice?

MR. ASSHETON CROSS, in reply, said, that his attention had been drawn to the Report referred to by the hon. Member. It was a subject which had been under the consideration of the Committee which had been appointed to inquire into the question of the Game Laws, and their Report was decidedly against the practice. He had placed the matter in the hands of the Lord Advocate in order that he might deal with it.

ARMY—RELIGIOUS PROCESSIONS.  
QUESTION.

MR. SAMPSON LLOYD asked the Secretary of State for War, Whether it is true, as stated in the public press, that on Monday the 31st of May, in a procession of the Roman Catholic Church at Ladbroke Grove Road, Bayswater, the canopy over the Cardinal Archbishop was borne by four soldiers of Her Majesty's Life Guards, in the uniform of their regiment; if true, whether the authorities at the War Office approve of the conduct of those soldiers in so officiating; and, if they approve it, whether he will state to the House under what regulations and restrictions, if any, British soldiers in uniform are authorized to officiate publicly in religious processions or in other religious observances?

MR. GATHORNE HARDY: Sir, I have been informed by the Lieutenant Colonel commanding the 2nd Life Guards that four Roman Catholic soldiers of that regiment applied for leave to attend certain religious services at the church in question. He is not aware what ceremonies were observed during the

performance of the service, but there was no procession outside the grounds of the College. I believe, as a matter of fact, that a canopy was borne by those four soldiers over the Cardinal Archbishop who carried the Host. By the Queen's Regulations, officers and soldiers are forbidden to institute or take part in any meetings, demonstrations, or processions for party or political purposes in barracks, quarters, camp, or elsewhere. By the same Regulations soldiers are obliged never to appear except in uniform, and if therefore they attended religious services it would be a breach of the rules if they were not in uniform. No military offence, therefore, has been committed even if the statement of what these men did were correct. I do not think it desirable to take cognizance of what may pass within the precincts of any church or place of religious worship in respect to the religious ceremonies observed, or to the part which soldiers not on duty but attending the services of the denomination to which they belong may take.

ARMY—EXPLOSION OF GUN COTTON  
(WOOLWICH.)—QUESTION.

MR. WHITWELL asked the Secretary of State for the Home Department, Whether his attention has been drawn to a report of an inquest held on May 25th last upon the bodies of Charles Young and Joseph Walston, whose deaths were occasioned by an explosion which occurred in charging a shell in a Government manufactory with gun cotton, which inquest was reported to be adjourned; and if he is aware whether the jury has again met and given its verdict; and, if so, what that verdict was?

MR. ASSHETON CROSS, in reply, said, the manufactory in question was not under the supervision of the Inspectors of the Home Department, and he had not received any report on the subject.

MR. GATHORNE HARDY: Sir, as the matter is connected with the War Office perhaps I may be allowed to reply to the Question. A 7-inch Palliser shell which was being filled with damp gun-cotton exploded in a shop of the Royal Laboratory on the 25th of May last, and unfortunately caused the death of two men and injury to another. The

machine was shattered. There were a number of boys in the shop at the time, who however were not touched. The operation had not previously been considered to involve any danger; but for the future such operations will be carried on in isolated buildings, and every precaution taken to prevent recurrence of such an accident. The jury have not yet, I believe, returned a verdict.

**ARMY—ATTENDANCE AT DIVINE SERVICE—MEATH MILITIA.—QUESTION.**

MR. PARNELL asked the Secretary of State for War, Whether he has any objection to lay upon the Table of the House the Correspondence between the Reverend Hugh Behan, administrator of the parish of Navan, and Sir John Dillon, the officer commanding the Royal Meath Militia, on the subject of allowing the attendance of the men at mass on the 6th and 27th of May, being holidays on which they were bound to attend Divine Service by the rules of the Catholic Church; and, whether he has any objection to say if any of the instructions laid down in the Queen's Regulations prohibit commanding officers of Militia regiments from allowing their men to attend mass?

MR. GATHORNE HARDY: Sir, the only Correspondence on the subject is a private letter from the Rev. Hugh Behan to Sir John Dillon, in which the latter is requested

"To have the men under his command sent to mass on the 6th and 27th of May, the same as on Sundays, these days being holidays of obligation in the Roman Catholic Church."

This request Sir John Dillon did not comply with. There are no instructions in the Queen's Regulations prohibiting commanding officers of Militia from allowing their men to attend mass. A commanding officer is only bound to order his regiment to attend such Church parades as are customary in the service, though he would upon other occasions give every facility to his men to attend Divine Service when such attendance did not interfere with the proper discharge of their military duties.

**THE CANADIAN PARLIAMENT.  
QUESTION.**

MR. J. G. TALBOT asked the President of the Local Government Board, Whether he has received a Report, pre-

sented to the Canadian Parliament by a Select Committee of that body, on Immigration and Colonization; and, whether he will lay a copy of the same upon the Table of the House?

MR. SCLATER - BOOTH, in reply, said, he had not received any Report of the nature alluded to by the hon. Gentleman.

**INDIA—NIZAM STATE RAILWAY—  
HYDERABAD.—QUESTION.**

SIR GEORGE CAMPBELL asked the noble Lord the Under Secretary of State for India, Whether six per cent interest has been guaranteed by the Nizam of Hyderabad to the shareholders in the Hyderabad Railway; and, if so, is it a legal transaction?

LORD GEORGE HAMILTON: Sir, the advice which the Secretary of State for India has received regarding the legality of the transactions by which the Nizam of Hyderabad guarantees 6 per cent to the shareholders of the Nizam State Railway applies solely to this Company, and is not extended to any other transactions of a similar nature. The Secretary of State for India, appreciating the importance and policy of the Act of Geo. III., is not inclined in any way to forego the powers of interference which under that Act he possesses. The guarantee applies only to the funds for the construction of the line between Hyderabad and the Great Indian Peninsula Railway.

**PARLIAMENT—ARRANGEMENT OF  
PUBLIC BUSINESS.—QUESTIONS.**

MR. W. E. FORSTER asked if there was to be a Morning Sitting on Friday? Members would also like to know when the Patents for Inventions Bill and the Agricultural Holdings Bill would be brought on.

MR. CAMPBELL-BANNERMAN inquired if there was any chance of the Sheriff Courts (Scotland) Bill coming on that night?

MR. DISRAELI: It is not the intention of the Government to ask for a Morning Sitting to-morrow. After the failure to make a House the other night I should not have courage to ask for that favour. I wish to state, however, that on that occasion 14 Members of the Government were present; and I myself

should have been present a few minutes later had not the House been counted out. I was under the impression that we had arrived at an agreement that the House was not to be counted out at a 9 o'clock meeting until after the lapse of a quarter of an hour. With regard to the Agricultural Holdings Bill, I shall have the honour of introducing it myself as soon as I can get a day to meet the general convenience of the House; but there are several things to consider, both as regards the state of Public Business and the engagements of our fellow-Members who may be called away at a particular time, and I therefore cannot fix a day. I cannot say anything very definitely about the Sheriff Courts (Scotland) Bill, and the Patents for Inventions Bill will not come on to-night.

MR. LOWE asked the Chancellor of the Exchequer, When he would take the third reading of the National Debt Bill? He (Mr. Lowe) had been misrepresented by the Chancellor of the Exchequer in a very serious way upon a certain point, and he should have liked to reply.

THE CHANCELLOR OF THE EXCHEQUER said, he intended to take the Bill on Monday. Perhaps the right hon. Gentleman could make his explanation now as a "personal" statement.

MR. LOWE: I have consulted the highest authority on the subject, and I am told I cannot.

MR. NEWDEGATE asked, Whether there was any objection to the adoption of the recommendation of the Committee on Public Business in 1871, whereby the House when it met at 9 could not be counted till a quarter past.

MR. DISRAELI said, his hon. Friend must give Notice of any Motion to that effect.

#### ARMY—COURTS MARTIAL.

##### QUESTIONS.

MR. BOORD asked the Judge Advocate General, What steps are taken to provide military officers with sufficient legal instruction to enable them efficiently to discharge their duties as members of courts martial, and whether advantage can be taken for this purpose of the services of those officers who have been called to the bar; whether any legal qualification is required of such officers as are appointed deputy judge advocates; and, if not, whether he will consider the

advisability of making a change in this respect; and, whether a different course is not pursued in the administration of justice and the appointment of deputy judge advocates, properly qualified, in the Army to that which prevails in the Navy; and, if so, whether, as far as his own department is concerned, he is prepared to recommend such alterations as will tend to assimilate the procedure in both services as far as possible?

MR. STEPHEN CAVE: Sir, the Queen's Regulations insist upon the acquirement by all officers of a competent knowledge of military law and the practice of military courts. For this purpose there are professors and instructors at the Military College and at the Staff College, where the examinations are conducted by General Laye, one of the Deputy Judge Advocates. There are also frequent examinations in regiments and garrisons. Sub-Lieutenants are obliged to attend courts martial as supernumeraries, not only the open court, but the deliberations in reference to the finding and sentence. There is nothing to prevent an officer who has been called to the Bar from becoming a professor or instructor; but such qualification is not required of these nor of Deputy Judge Advocates. No special aptitude is insured by a mere call to the Bar. In military as in other courts it is practice rather than book-learning which makes perfect. In the Navy, owing to the summary powers committed to captains of ships, the number of courts martial is extremely small as compared with the Army. The persons officiating as Deputy Judge Advocates of the Fleet, who are sometimes civilians, do not give their whole time, but are retained when required. I do not admit that they are more properly qualified, nor do I see any advantage in adopting this plan in the Army. On the other hand, I agree with the Commission of 1868 that, as the issues tried depend to a great extent upon the usages of war and of military service, it is essential to maintain strictly the military character of the court.

#### PUBLIC BUSINESS—ORDERS OF THE DAY—THE LABOUR LAWS.

Motion made, and Question proposed,

"That the Orders of the Day subsequent to the Order for resuming the Adjourned Debate

*Mr. Disraeli*

on going into Committee on the Land Titles and Transfer Bill be postponed till after the Notice of Motion for leave to bring in a Bill to amend the Labour Laws.”—(*Mr. Disraeli.*)

MR. GOSCHEN asked after what hour the Offences against the Person Bill would not be brought on?

MR. DISRAELI: It is impossible to arrange all these matters. Our object is not only to advance the Public Business, but to take into consideration the convenience of the House. I see the hon. Member for Stafford is about to rise to ask another Question on a matter full of interest, and I assure him that I shall do the best I can to afford him an opportunity of declaring his views on the Labour Laws.

MR. MACDONALD felt reluctantly compelled to move an Amendment to the Motion of the right hon. Gentleman at the head of the Government to the effect that the Motion to bring in a Bill to amend the Labour Laws should be made after the First Order of the Day instead of after the Third. His reason for so doing was that the Report of the Royal Commission appointed last Session had been in the hands of Members for some considerable time. The matter was of very great importance, and it was desirable that legislation on the subject should not be postponed. He raised the question for the purpose of giving the Government an opportunity of showing there was no desire to postpone legislation on the subject. He knew it had been said that the Government was not sincere. He had spoken for the Home Secretary. He knew the right hon. Gentleman was desirous the question should be dealt with. He hoped the head of Her Majesty's Government would now make it clear he was.

SIR HENRY HAVELOCK seconded the Motion.

Amendment proposed,

To leave out all the words from the word “resuming,” to the words “Transfer Bill,” both inclusive, in order to insert the words “the Second Reading of the Supreme Court of Judicature Bill,”—(*Mr. Macdonald.*)

—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

MR. W. E. FORSTER said, he hoped the Amendment would not be pressed, remarking that as the legal Members of

the House took particular interest in the Order of the Day which stood first on the Paper, there was a probability of its occupying the whole, or nearly the whole, of the evening. With regard to the general question of the mode in which the Public Business was conducted, he objected to the practice which had recently grown up of putting a great number of Bills upon the Orders of the Day for each Sitting of the House. The effect of this was that the stages of Bills were not unfrequently passed without discussion. The Notice of Motion with reference to the Labour Laws had been on the Paper for some time, and, as it was most important, he hoped the Motion would be brought forward at the earliest possible moment.

MR. DISRAELI said, that in conducting the Public Business he had followed the example of every person who, previous to himself, had been responsible for the general management of the House. The right hon. Gentleman, in urging that the present mode was faulty, had used a most singularly infelicitous illustration. If, by putting a large number of Bills upon the Orders of the Day for each Sitting, a considerable number of them were passed without remark, that surely was a reason for continuing rather than for departing from the rule. As regarded the Labour Laws Bill, he thought from what had reached him, that in the arrangements he had proposed he was meeting the wishes of the hon. Member for Stafford (*Mr. Macdonald*). However, he would now say that upon the fate of the Supreme Court of Judicature Bill would depend whether they should have the opportunity of introducing the Labour Laws Bill that night. He hoped the House would now proceed to the Business of the evening, which had certainly not been advanced by what had passed.

MR. MUNDELLA considered that it would have been much more respectful both to the employers and employed if the Bill had been introduced 10 days ago.

MR. MACDONALD expressed his willingness, after the statement of the Prime Minister, to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.



*Ordered*, That the Orders of the Day subsequent to the Order for resuming the Adjourned Debate on going into Committee on the Land Titles and Transfer Bill be postponed till after the Notice of Motion for leave to bring in a Bill to amend the Labour Laws.

SUPREME COURT OF JUDICATURE ACT  
(1873) AMENDMENT (No. 2) BILL.

(*Lords.*) (*Mr. Attorney General.*)

[BILL 162.] SECOND READING.

Order for Second Reading read.

THE ATTORNEY GENERAL, in moving that the Bill be now read a second time, said, he would explain the circumstances which, in the opinion of Her Majesty's Government, rendered it necessary to deal with the Judicature Bill of 1873, in the manner proposed by the present measure. In 1867 a Royal Commission was appointed to inquire into the operation and effect of the Court of Chancery, the Superior Courts of Common Law, the Admiralty Court, and the Probate and Divorce Court, as then constituted, with the view of ascertaining whether any, and what changes, or improvements could be advantageously made so as to provide for the more speedy, economical, and satisfactory despatch of the judicial business transacted by such Courts. That Commission was constituted in a manner which secured the respect and confidence of everyone: after taking much evidence, it made its first Report in the year 1869: the Report contained a variety of recommendations, the chief of which might be classified under four heads. First, the consolidation into one Supreme Court of the various Superior Courts of Law and Equity; secondly, the adoption of a uniform mode of procedure, so far as was consistent with the various classes of cases that came under the cognizance of the Courts; thirdly, the appointment of skilled referees to whom the hearing of certain classes of cases should be handed over; and, fourthly, the creation of one Court of Appeal, which should take the place of the existing Court of Appeal in Chancery and the Exchequer Chamber. There were a variety of other recommendations, of more or less importance, to which it was unnecessary to allude, but he must ask the attention of the House to one passage in the Report; the Commissioners, referring to the question of appeals, said it might hereafter deserve consideration

whether the decisions of the Court of Appeal, mentioned in their fourth recommendation, should not be final, unless under certain exceptional circumstances an appeal to the House of Lords might become necessary. Having thus stated the effects of the recommendations of the Commissioners, he would proceed to consider the Act of 1873. That Act contained provisions for carrying into effect everyone of the four heads of recommendation to which he had just alluded. It provided for the consolidation into one Court, under the name of the Supreme Court, of the various Courts of Equity and Common Law, and for vesting in such Court and its several Divisions all the jurisdiction possessed by the Courts of which it was constituted; it provided for the adoption of an uniform procedure, for the appointment of a system of Referees, and for the formation of a Court of Appeal to take the place of the Court of Appeal in Chancery and the Court of Exchequer Chamber. But the Act of 1873 did more than give effect to these recommendations of the Commissioners; it abolished the Appellate Jurisdiction of the House of Lords as far as regarded English causes; it also provided for the transfer, under certain circumstances, to the Court of Appeal which would be formed under that Act of Parliament of matters hitherto disposed of by the Privy Council. The first thing that struck us when we regarded this Act was that, with the exception of matters hitherto disposed of by the Privy Council, it was confined to English causes. Now, if the Act had been limited to the recommendations of the Royal Commissioners, it did not occur to him that it would have been open to objection on the ground that it was limited to English causes. But when we found that it abolished the Appellate Jurisdiction of the House of Lords with regard to English causes, but left the Appellate Jurisdiction untouched as regarded appeals from Scotland and Ireland, there certainly appeared an anomalous state of circumstances which was open to very considerable objection; and he could not but think that it was generally felt at the time when that Act was passed that it would be necessary, before the lapse of any long period of time, to extend its operation to appeals coming from Ireland and from Scotland. It certainly would appear from observa-

tions made by the noble and learned Lord by whom that Act was introduced into the House of Lords (the Lord Chancellor) that he contemplated the adoption, at no distant period of time, of a measure which would abolish the Appellate Jurisdiction of the House of Lords as regarded Scotch and Irish causes. It might be in the recollection of hon. Members that when that Act was passing through the House of Commons it was generally understood that a measure would be introduced at the earliest possible period for the purpose of remedying that difference. However that might be, Her Majesty's Government were now, and always had been, of opinion that there should be one Final Court of Appeal as far as regarded all the appeals of the Three Kingdoms; that if the Final Court of Appeal for England was to be the House of Lords, the Final Court of Appeal for Scotland and Ireland should be the House of Lords; and that if the Appellate Jurisdiction of the House of Lords was to be abolished as far as regarded England, it should be abolished also as far as regarded Scotland and Ireland, and that, in either event, one Final Court of Appeal should be established. In that view of the case the Bill of 1874 was introduced by the present Lord Chancellor into the House of Lords, and, having passed that House, it was read a second time in the House of Commons without opposition. It contained provisions for putting an end to the Appellate Jurisdiction of the House of Lords in respect of Scotch and Irish causes and for establishing a Supreme Court of Appeal, to be called the Imperial Court of Appeal, which should have power to deal with appeals from all parts of the Empire. As he had already said, the Bill passed its second reading in the House of Commons without opposition; on the Motion for going into Committee, an Amendment, moved by the hon. Member for Wexford (Sir George Bowyer), expressing an opinion that it was inexpedient to abolish the Appellate Jurisdiction of the House of Lords, was negatived without a division, and subsequently Amendments of a similar character were defeated by large majorities. He believed that the votes upon those occasions did not correctly represent the actual proportion of feeling on one side or the other, as many votes were given under the impression that the question

had been finally and conclusively decided respecting England in 1873, and that it was therefore desirable to settle it in regard to Scotland and Ireland. In consequence, however, of the late period of the Session, and of the opposition raised by certain hon. Members, and, amongst others, by the hon. and learned Member for Limerick (Mr. Butt), it became necessary to withdraw that Bill, and a short Bill was passed suspending the operation of the Act of 1873. So matters stood at the close of the last Session of Parliament. In the present year the Lord Chancellor introduced another Bill, which, as far as regarded the particular question now under consideration, was substantially to the same effect as the Bill which had been introduced in the last Session of Parliament. It was, however, very soon apparent that the Bill would be very strongly opposed. Its opponents had two objects in view; the one to prevent the Scotch and Irish Appeals being carried to the Court of Appeal, established by the Act of 1873; the other, to repeal the Act of 1873, so far as regarded the Appellate Jurisdiction in respect of English causes; the former of these objects could be obtained by the action of the House of Lords alone; the latter required the joint action of both Houses. It became necessary to withdraw that Bill, in consequence of the wish of an influential portion of the Members of the House of Lords that the operation of the Act with regard to the hearing of final appeals in English causes should be delayed. Having withdrawn that Bill, the next question was—what would be the best course to take? A variety of courses were suggested, one being that it would be best to repeal the Act of 1873. The hon. and learned Member for Barnstaple (Mr. Waddy) had moved in that direction, for he had given Notice of a Bill to repeal that Act. He ventured to think the House was not prepared to stultify itself by such a proceeding as the repeal of that Act. That Act, whatever might be the views of hon. Members as far as regarded the clauses about Appellate Jurisdiction, would effect a very great reform with regard to judicature generally. Another view was to postpone all dealing with the matter till next year. A large portion, however, of the Members of the House, and

public opinion was substantially in agreement with them, thought the Act should come into operation at the earliest possible period. It would occasion great inconvenience to postpone the operation of the whole of the Act. There remained a third course, which had been adopted by Her Majesty's Government. It was to suspend the operation of so much only of the Act of 1873 as dealt with the disputed question of the Appellate Jurisdiction. In the Act of 1873 only three sections had reference to the ultimate Appellate Jurisdiction, and one of these had reference solely to the Appellate Jurisdiction of the Privy Council. If the operation of these clauses were suspended for a certain time, the whole of the rest of the Bill might be allowed to come into operation on the 1st of November in the present year. It might be asked, however, why the operation of these particular clauses should be suspended. The reason was, that it would be necessary to consider the general question as to what should be the ultimate Appellate Tribunal in this country, for it did not appear that, at the present moment, public opinion was firmly established in one direction or another. For himself, he held the same views as those which he expressed last year. When the Bill of 1873 was before the House, he objected to those clauses which put an end to the Appellate Jurisdiction of the House of Lords. He did not, indeed, object to them *in toto*, but he thought that the decision of the question, whether the jurisdiction of the House of Lords should be abolished, should be suspended until we knew that the new Appellate Jurisdiction would work satisfactorily, as was in fact recommended by the Royal Commissioners. Last year, however, the Act of 1873 having been already passed, he considered that the House was not dealing with the question as a new one, inasmuch as it had determined that, as regarded England, at all events, the jurisdiction of the House of Lords should be abolished, and the House of Lords had itself assented to the application of the same principle to Scotland and Ireland. Under these circumstances, he last year moved the second reading of the Government Bill, with the principle of which he thoroughly concurred. It would, however, be idle for him to ignore the fact that he had heard from time to time expres-

sions of opinion by Members in different parts of the House differing from the opinions expressed by them on former occasions with reference to this subject, and there could be no doubt but that, at the present time, there was a feeling entertained by many Members of that House similar to that which had found expression in the other House of Parliament. But assuming, for a moment, that a majority of this House were prepared to maintain the principle of the Act of 1873, and to extend its operation to Scotland and Ireland, he thought he might venture also to assume that that opinion would not be shared by a majority of the other House. Any attempt, therefore, to legislate, at present, in that direction would be futile. The Government had, therefore, determined—wisely, as he thought—to bring into operation those portions of the Judicature Act which carried out the recommendations of the Royal Commission, and as to which there was practically no objection, and to postpone for a twelvemonth the operation of those sections—namely, the 20th, 21st, and 25th—which abolished the jurisdiction of the House of Lords in English cases. Turning next to the other portions of the measure, the hon. and learned Member drew attention to the fact that some of the rules and regulations, which were to govern procedures were embodied in the Schedule of the Act of 1873, while others, which would come into operation at the same time, were to be drawn up by the Judges and confirmed by Order in Council. There was also a provision that, after the passing of the Act, the Supreme Court should have power to make such alterations in the Rules and Regulations as might from time to time be deemed expedient. In the course of last autumn the Judges gave a great deal of time and attention to the subject, and prepared voluminous rules and regulations, supplementary to those contained in the Schedule of the Act. When the first Bill was introduced into the other House in the present Session, a suggestion was made to the effect that it was undesirable to have a portion of the Rules and Regulations in the Act and another portion outside it; and the Government, acting on this suggestion, had determined to include them all in the Schedule. Such of the Rules and Regula-

tions as were contained in the Schedule to the Act of 1873 had already received the approval of Parliament, while the others had been most carefully considered by the Judges. He hoped, therefore, that hon. Members would be willing to accept these Rules and Regulations as a whole. If, after the Act came into operation, any errors were discovered in the Rules, it would be in the power of the Supreme Court to correct them. He would add a few words as regarded the Intermediate Court of Appeal which was proposed to be constituted; it would consist of a smaller number of members than provided by the Act of 1873. So large a number would not be required now that English appeals were alone to be taken to it. It was now proposed that it should consist of nine members. He had heard it asserted that the Chiefs of the different Courts of Law, who were named members of that Appellate Tribunal, would have their time so far occupied with the business of their own several Courts that they would scarcely be able to act on the Court of Appeal. But the result of recent communications with those Judges showed it to be their opinion that the time they would be able to spare collectively for the hearing of appeals would be equivalent to the regular attendance of at least one Judge throughout the year. In addition to this there would be the occasional assistance of the Lord Chancellor; and, upon the whole, he (the Attorney General) was of opinion that, until the ultimate Tribunal should have been established, the Court now proposed would be fully competent to deal with all the cases brought before it. It was proposed that the Court should sit as a body of three for the purpose of deciding all questions of final order, and as a Court of two for the purpose of deciding interlocutory applications. Having regard to the amount and the nature of the business now discharged by the Appellate Court in Chancery and the Court of Exchequer Chamber, he had no doubt the new Tribunal would be amply constituted for the business which would come before it. Adverting to the Amendment which the hon. and learned Member for Barnstaple had placed on the Paper, he said his hon. and learned Friend's proposal to entirely repeal the Act of 1873 would not find much favour in the House. The

Amendment of the hon. and learned Member for the Denbigh Boroughs (Mr. Watkin Williams) was simply for the rejection of the present measure; but this proposal, also, he thought, would not secure the approbation of many hon. Members, for, if it were carried, the anomaly would remain of having one Appellate Jurisdiction for England with a different one for Scotland and Ireland. Having thus endeavoured to explain the reasons which had led the Government to adopt the course he had just described, he would conclude by moving that the Bill be now read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Attorney General.*)

MR. WATKIN WILLIAMS, in rising to move that the Bill be read a second time that day three months, said, he hoped the House would prevent this measure from drifting into the arena of Party politics, and would deal with it from the point of view of the public interest and the interest of suitors. It was an entire mistake to suppose that he meant to imperil the Act of 1873. On the contrary, he opposed this Bill because of his belief that if it passed without such substantial alterations as would make it a different measure, the success of the Judicature Act of 1873 would be most seriously endangered. He concurred with the Attorney General in the opinion that the Act of 1873 had produced changes of the most extensive and valuable character, and its postponement or repeal would be most disappointing. It was true it had been criticized in a hostile and supercilious way, as though the amalgamation of all the Courts into one supreme Court was a nominal change. But in the opinion of practical men who had the best opportunity of judging this apparently small reform was one of the most important description. In point of number the existing staff of Judges was perfectly sufficient, though, unhappily, there was an enormous waste of judicial power. Having watched the three Superior Courts of Common Law during the last three Terms, when four Judges were sitting in each, he had noticed a vast quantity of important business standing in the cause list, yet the Courts of Queen's Bench, Common Pleas, and Exchequer during three-fourths of the



time had been almost wholly occupied with matters of very secondary importance, such as motions for a decree *nisi*, while important business was waiting to be disposed of, and waiting in vain. It might be said, why did not the Judges distribute their time more economically and set apart one of their number for hearing those matters? Unfortunately, these were all distinct Courts, which had their own cause list to get through, and thus they did not act together very cordially, or with such sympathy as they would have shown if they only formed one Court. Fusion into one Court was not therefore a small or a nominal change. The Act of 1873 not only made sweeping changes in our jurisprudence and practice, but it left a vast new machinery to be created. The Act of 1873 designed to distribute the Judges. If this were done, care should be taken to prevent there being an absence of concurrent action. As to the Appellate Courts, they were fitful in their sittings. What was desired was to do away with the fitful character of these Courts, and to have an Appellate Court which would sit continuously, and that the Judges composing it should be uniformly there, so as to introduce complete uniformity of decision. By the Act of 1873 there was not to be a second appeal, but there was a provision to meet the objection that important decisions should be re-considered. The House of Lords had decided 60 or 70 cases in a year, and, if they were to have a second Court of Appeal, he had not yet heard any such Court of Appeal proposed which was comparable in any sense to the House of Lords. That, however, was a very different thing from saying he had changed the opinion which he expressed in 1873 that it was better to have one Court of Appeal, an opinion to which he still adhered. Some persons had asked him why he approved of the House of Lords. His reply was that there was a degree of solemnity, gravity, patience, and attention displayed there which he had not seen anywhere else. His own experience enabled him to say that he had argued a case in the Exchequer Chamber for two and a-half days, and he sat down feeling that he had not fully presented the case. The case had been carried to the House of Lords, and he felt that in their House it had been satisfactorily presented. The truth was that cases

were heard there with more gravity, attention, and solemnity, than in any other Court. Therefore, he would say that, if they were to have a second appeal, by all means let it be to the House of Lords. But he was not in favour of a second Court of Appeal; he preferred the procedure of the Act of 1873, and regretted that it had been departed from. If a Court of Imperial Appeal really worthy of the name had been established, he believed they never would have heard any suggestion from lawyers for the restoration of the House of Lords as an Appellate Tribunal. But when the Imperial Court of Appeal was proposed almost everybody was dissatisfied with its construction; the details were objectionable in every way. It might be asked why he did not try to remedy that in Committee; but his experience of that House taught him that any such attempt in Committee would be vain. They must at an earlier stage join their forces with the malcontents of every sort in order to bring about the result they desired. [*A laugh.*] That was the honest truth. There had, no doubt, arisen much misconception in consequence of the combined action of those who objected to that Imperial Appellate Court on account of its bad constitution and those who were sorry they had ever consented to abolish the Appellate Jurisdiction of the House of Lords. The Government had given way to the efforts of those who desired to maintain the appellate functions of the House of Lords, and the universal opinion had been completely revolutionized. Almost everybody was now agreed that the Appellate Jurisdiction of the House of Lords was to be restored. Well, he said "content" to that; but if he was right in believing that the Appellate Tribunal was the very essence of the Act of 1873, they would get into inextricable confusion under that Act if they established the Court of Appeal proposed by the present Bill. He should prefer seeing the Act of 1873 postponed for another year than to see it come into operation with an incomplete and professedly provisional Court of Appeal. What had happened showed how dangerous it was to pass the Act of 1873 without the coping-stone. The 4th section of the present Bill provided that there should be five *ex officio* Judges of the Appellate Court and also not more than five ordinary

*Mr. Watkin Williams*

Judges at one time, as Her Majesty might appoint. The five *ex officio* members were to be the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer. [The ATTORNEY GENERAL dissented.] The ordinary Judges were the two Lords Justices, two Judges to be taken from the Privy Council, and one new Judge. In all final matters they were to sit as a quorum of three, whilst there were to be only two for all interlocutory matters, which latter would constitute in the long run the machinery upon which the sound working of the Act of 1873 would depend almost entirely. Now, what would the appeal be reduced to? The utmost that the Lord Chancellor, the Chief Justices, or the Master of the Rolls could do would be to come to the Appellate Court occasionally. It was impossible that they could sit continuously; and, therefore, he protested against their being brought in casually as if to make up a quorum and lend a hand. Besides, it constantly happened that lawyers who had risen to the great office of Chief Justice were not always men who had studied law the most, or were most familiar with the practice of the Courts, and they might therefore not be the best qualified to frame the procedure of this great Court. For these reasons he rejected the Chief Justices altogether as efficient members of the Court. It really came to this with regard to the efficiency of the Court, that the two paid Judges of the Privy Council and one additional Judge, with occasional assistance from the Lords Justices, were to be the Appellate Court. Could it be considered satisfactory that appeals should be determined by Judges whose experience had been more with Indian cases and matters of that kind? He protested against this, and he was sure that the country would not be satisfied with it. These gentlemen themselves were put into the Court that now existed under the Judicial Committee Act of 1871, they being by that Act appointed Judges of a Supreme Court of Appeal, which was to hear appeals from all parts of the world without there being any appeal from their judgment. Now, would it be right to transfer these high judicial officers from the Court to which they had been solemnly appointed and to

put them into another Court, which was to be an Intermediate Court of Appeal? It seemed to him that this would be a violation of good faith, and a breach of the Parliamentary engagement which had been entered into with them. It had been said that there were provisions in the Act of 1871 which would entitle the Government so to treat them; but he contended that there was no justification whatever for that statement. It was distinctly understood that upon any fresh constitution of a "Supreme Appellate Tribunal" they were to be considered to be at the service of the country, but this would not justify the treatment which it was now proposed that they should receive. He wished to point out that it was no part of his intention that this Bill should be rejected and nothing further done. On the contrary, it was clear that the Act of 1873 was passed in an imperfect form. It was contemplated that something more should be done, and something more must be done; and the Government had no right to place before them this dilemma—that they must either take this Bill, or the Judicature Act of 1873 must be left to take its chance. If the Appellate Jurisdiction in the present Bill was not satisfactory, it was their duty to bring in a Bill likely to be satisfactory, and there should be some assurance that a really efficient Court of Appeal would be established. If such an assurance were given he would withdraw his Motion.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months." — (*Mr. Watkin Williams.*)

Question proposed, "That the word 'now' stand part of the Question."

SIR WILLIAM HARCOURT remarked that the Attorney General, in discussing on the introduction of the Bill the various courses which might be taken, and in speaking of that of pressing forward the Bill of 1873, said that such a course on the part of the House would stultify it, and in that opinion he agreed with him. He also agreed with his hon. and learned Friend (*Mr Watkin Williams*), that this should not be converted into a Party question. But the part of his hon. and learned Friend's (the Attorney General's) explanation

which did not commend itself to his mind was the grounds upon which he asked the House partly to stultify itself by rejecting an integral and essential part of the Act of 1873. The Attorney General, referring to the Report of the Judicature Commission, said that it did not recommend the abolition of the jurisdiction of the House of Lords. But they expressly stated that they made no recommendation on the subject, because they did not consider it within the Order of Reference. In 1873, the then Lord Chancellor (Lord Selborne) proposed a measure, the effect of which was to constitute one single Court of Appeal for England, but it did not deal with Ireland or Scotland. On the 3rd of April, that Bill was referred to a Select Committee of the House of Lords, and by that Committee the provisions ultimately passed with regard to the question of Appellate Jurisdiction were approved. On the 8th of July, Lord Cairns said, as to this Bill which abolished the House of Lords as an Appellate Court for England though not for Ireland or Scotland, that he not only approved of this course but insisted upon it. He thought that the Bill should be confined to England, and that Ireland and Scotland should be afterwards dealt with. On the 2nd of May, Lord Redesdale proposed an Amendment in the Bill, the object of which was to retain the jurisdiction of the House of Lords; and upon a division only 13 Members of the House of Lords voted with him. The present Lord Chancellor entirely refused to assent to the proposition that there should be an Appellate Court that should be applicable to the Three Kingdoms, and insisted that the Bill should be confined to the Appellate Jurisdiction from England. When the Bill had reached the House of Commons the hon. and learned Member (Mr. Charley) moved an Amendment to retain the jurisdiction of the House of Lords; but the result was that he got so little support from his Party that he withdrew his Amendment without any division being taken upon it; and the abolition of the jurisdiction of the House of Lords with reference to England was affirmed upon the second reading.

MR. CHARLEY said, that he only brought forward his Amendment in order that so important a constitutional question might be fully discussed and

a division was taken in Committee, on which occasion he was supported by the Party to which he belonged.

SIR WILLIAM HARCOURT observed, that he had not yet got down to the Committee, and as to the second reading, the explanation did not differ from what he had stated. On the 3rd of July, the 6th clause, by which the new Court of Appeal was constituted, came up for consideration, and the right hon. Member (Mr. Spencer Walpole) moved the postponement of the clause. Thereupon the right hon. Gentleman the present First Minister of the Crown made a speech on the subject, and as he was now in a position to give effect to his views, it was important to consider what they were. The effect of the right hon. Gentleman's speech was that we ought to have only two Courts, one of Primary Decision and one of Conclusive Appeal, and that all Courts of Intermediate Appeal ought to be abolished, together with the Appellate Jurisdiction of the House of Lords, which was not fitted to undertake the business of the Intermediate as well as that of the Final Court of Appeal. The right hon. Gentleman having laid down these principles, expressed his approval of the Bill of 1873 because it carried out those principles and abolished the Intermediate Court of Appeal as well as the Appellate Jurisdiction of the House of Lords. The right hon. Gentleman, therefore, was far from saying what the legal Advisers of the Crown now said—that the Bill of 1873 was anomalous in placing England in one condition and Scotland and Ireland in another with regard to their Courts of Appeal; on the contrary, he had declared that the measure of 1873, which gave England and Scotland and Ireland different Courts of Final Appeal, was a prudent and a sagacious one. He had thus established his proposition that up to the end of 1873 the lawyers and the laymen of both parties were agreed that there should be only one single Court of Appeal, at all events, for England. The present Solicitor General, especially, had contended that the double Courts of Appeal in this country occasioned serious evils, and were a fruitful source of delay and of expense to the suitors, and that it was better to have one good tribunal. On the 8th of July, 1873, the present Lord Chancellor having objected

*Sir William Harcourt*

to the operation of the Bill being extended to Scotland and Ireland, the late Prime Minister yielded the point, and the Bill passed into law as it was originally introduced, and consequently it only applied to England. A last attempt was made by Lord Redesdale and the other noble Lords who opposed the measure to prevent its becoming law, but the Amendment they proposed was negatived on a division by 61 to 34. What had happened since then to cause the Members of the Government to alter their views on the subject of this measure? The Prime Minister having declared that it was the very essence of Judicature reform that they should have only one Final Court of Appeal, how was it the Government now came forward and asked the House to accept a Bill which constituted an Intermediate Court of Appeal and did not constitute a Final Court of Appeal? That was a matter which required explanation. In 1874, the state of affairs had greatly changed. The Dissolution had occurred and the present Government became masters of the situation. But the result of that change was that the present Lord Chancellor introduced a Bill on this subject which was on exactly the same lines as that of 1873, inasmuch as it proposed to abolish the Scotch and Irish Appellate Jurisdiction of the House of Lords. There was, it was true, a slight change in the Bill, inasmuch as it introduced the principle of re-hearing, and it was argued that, in point of fact, that was a second Appellate Court; but the Lord Chancellor upon that occasion entirely repudiated that view of the matter, stating that a re-hearing was a totally different thing from a second appeal. What happened to that Bill in 1874? Lord Redesdale, who had been a constant opponent of the measure, proposed an Amendment to it on the 11th of June, which was intended to keep alive the jurisdiction of the House of Lords, and not to allow its abolition. The Lord Chancellor at once said that this Motion was one to which the Government were entirely opposed, and because it involved consequences which had not been anticipated it was necessary that this question of appeal should be settled once and for all, and not be left any longer hanging up before the public as a question undetermined. If that was true on the 11th June, 1874,

was it not still more true on the 10th June, 1875? and on a division of 52 to 23 they affirmed the principle of the Bill. The Bill came down to the House of Commons late in the Session, when the hon. and learned Member for Wexford (Sir George Bowyer) moved his Resolution on the subject, and the Attorney General was of opinion that the matter was settled, and could not be re-opened. Why did he think it was settled in July, 1874, and why did he think it was not settled in June, 1875? Did the Government think there was any change in public opinion on this question in the present year? No; they introduced in the third year a Bill founded upon precisely the same principles, and containing practically the same provisions as that of 1873. It was introduced in the House of Lords by the Lord Chancellor, and then occurred the circumstance of which they had had singularly little explanation. Circumstances occurred which were not very familiar to our Western civilization or to our Parliamentary life. So far as he could understand, something took place of the character which devolved upon Eastern potentates and their representatives. There seemed to have been a sort of *émeute* of the Janizaries, and, so far as he could learn, the expression of it was not very articulate. The mutes of the Seraglio posed round the Lord Chancellor on the Wool-sack, and what happened was only known by report and not through the ordinary channels of information. All they knew was that the Lord Chancellor, at the head of a powerful Government, having received the support of both Houses of Parliament for a measure in 1874, produced a measure of a similar character in 1875, but before it could be discussed the noble and learned Lord was obliged to make the humiliating admission that he could not proceed with his Bill, and consequently withdrew it. What was the meaning of such a proceeding? If there were reasons to be given against the Bill and policy of 1873 why were they not given? Was that the way in which Parliamentary Bills were to be dealt with—in which Parliamentary discussion was to be treated? That was a proceeding which was totally unexampled, and which his hon. and learned Friend the Attorney General had totally failed to explain that day. They were now asked to approve



of two Courts of Appeal, and that was contrary to the declarations of the Prime Minister, as one of the first principles which the Press, philosophers, practitioners, and everybody else agreed upon was that there should be only one Court. In the 4th clause of the Bill they were called upon to create a new Intermediate Court of Appeal without any Final Court of Appeal at all. That was contrary to the protest of the Lord Chancellor a year ago that it was mischievous to the public interest that these questions should be kept in suspense. He (Sir William Harcourt) knew that in politics they must take things as they found them. He should have been very glad if he thought there was any possibility of carrying into effect at once the Act of 1873, and of not suspending the Appellate Jurisdiction at all. There was one question which he ventured to submit to the consideration of his hon. and learned Friend on the opposite bench. If they were going to suspend the question of Appellate Jurisdiction, was it not idle to deal with a part of it? He adhered to the principles of the Act of 1873, and was willing to save as much of it as could be beneficially saved. So far as the present Bill had for its object to save a portion of the Act of 1873, so far he agreed with it, and therefore he should support the second reading. That being the object, and the suspensory clauses only being proposed to apply to the Appellate Jurisdiction, what was the purpose of passing half an Appellate Jurisdiction and leaving the other in suspense? He agreed that a multiplicity of appeals were a great evil; but they need not decide that question now. If they were going to hang up the question of the Final Court of Appeal, why was it necessary to produce an Intermediate Appeal at all? Why not suspend the Appeal question altogether? They abolished the House of Lords Jurisdiction in 1873, and in this Bill that was in a sense revived, for it suspended the clauses which abolished it. Why not do the same thing with the Exchequer Chamber and the Lords Justices, and then they would leave the whole question of Appellate Jurisdiction open to be settled at some future time? If they were going to re-consider the whole question of Final Appeal next year, it was not worth while to go and pull about the Courts of Privy Council and appoint

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that every Court in which a cause commenced should have the power so to deal with it as to do full and final justice, whether on legal or equitable principles. That was by no means the sole object of the Act of 1873, independently of any question of Appeal. There were other matters which required amendment. There was the great scandal prevailing that, in consequence of the intermittent sittings of the Courts—especially in London and Middlesex—the cause lists were crowded, suits were delayed, and the suitors were disappointed; whereas, if the sittings could be prolonged and made continuous, the cause list would be exhausted, and the suitors would go away satisfied, instead of being disappointed, as at present. A very large number of causes were waiting for trial which were not reached under the present system. A great number of these cases, however, remained in the lists because the defendants made special jury cases of them; but if the sittings of the Court were continuous, perhaps 20 of these cases would be arranged and would be gone through in a single day. An act of justice would therefore be done to suitors which had been long wanted. He did not propose to enlarge upon the merits of the Act of 1873; but in that year it was thought right by Parliament to alter the state of things which had existed in this country for many years, and to create a new Court of Appeal. That Court was created, not in consequence of any advice given by the Judicature Commission, but in consequence of some other counsels which prevailed at that time. Unless, however, he could find some very superior Court of Appeal, he should say it was better to continue an Intermediate Court of Appeal, because he was convinced that an Intermediate Court of Appeal did decide many cases, ultimately and finally, between parties, and thereby relieved a Superior Court of Appeal of a great deal of business which would otherwise devolve upon it. The hon. and learned Member (Mr. Watkin Williams) appeared at first to have some vacillating feelings as to the merits of the House of Lords as a Court of Appeal; but at last he blessed them altogether, and seemed inclined to exclaim—"Thank God, there is a House of Lords!" One great merit, at any rate, in that tribunal was, not only that cases were heard by men of great patience, learning, and dignity, but because they had the oppor-

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tunity of hearing cases which had passed through the ordeal of a Primary Court, and which had afterwards been thoroughly sifted by a First Court of Appeal. Every case that came before the Final Court had been thoroughly discussed, and the judgments printed; and it was because the best possible consideration had been given to each case and every argument on both sides had been brought forward, that judgments given by the House of Lords had been so satisfactory to the public. With regard to the question, whether the House of Lords should remain the ultimate Court of Appeal, he suspended his judgment entirely. A vast deal of consideration ought to be given to the matter, and many lawyers had been canvassed to give their adhesion to the principle of retaining the final appeal in the House of Lords. No doubt a strong feeling had arisen that the state of things provided by the Act of 1873 was not satisfactory, and that upon two principal grounds. First, there was to be a Final Court of Appeal. The Act began by saying that three Judges would be sufficient to constitute a Final Court of Appeal, unless those Judges allowed their judgments to go before a larger number of Judges, who were only in that event to have the opportunity of overruling the three Judges. The state of things might still exist that the Court of First Instance might be composed of two or three Judges, and that the Court of Appeal might consist of three Judges not more learned than the Court of First Instance; and unless a re-hearing was allowed that Court of three Judges was to give final judgment in that case. The possible result he wished to point out was, that a point involved in the construction of an Act of Parliament or of a will might be decided in a particular way by the three Judges, and, in another case, the same point might be decided by a Court of First Instance, and then the Court of Appeal, consisting of the larger number of Judges, might overrule the Court of Appeal consisting of three, although its decision, as far as the parties were concerned, was final. He did not think this would be satisfactory. Therefore, he thought it was expedient to see whether that public opinion which had expressed itself pretty strongly in reference to the matter ought

not to be considered before the Act of 1873, so far as Appeal was concerned, was made the ultimate legislation upon the subject. In 1874, a Bill was introduced to establish an Intermediate Court of Appeal, and also to constitute a Court which it was hoped would ultimately be a Court of Final Appeal for England, Scotland, and Ireland; and no one could doubt that the best Court of Ultimate Appeal would be one which could entertain appeals from England, Scotland, and Ireland. It might be right to say that, on hearing an appeal from either Kingdom the House of Lords sat as a Court of Appeal for that Kingdom; but the practical effect of the Act of 1873 was in operation that the Court for each Kingdom would be different from the Court for either of the other two, and there would be in England an Appeal Court by whose decisions the House of Lords would not be bound. Irish appeals would come from the Irish Court of Exchequer Chamber, and in such cases the House of Lords might give decisions at variance with those of the Court of Appeal for England, which might differ on the same question from the Irish Court. He was anxious that this Bill should be read a second time in order that so much of the Act of 1873 as was unobjectionable might be brought into operation as soon as possible. Something had been said as to the impropriety of taking two learned Judges from the Judicial Committee of the Privy Council and importing them into a Court of Appeal, which did not deal with Indian and Colonial appeals and other matters which the Ultimate Court of the Privy Council did deal with. There would, no doubt, be some objections to the removal of those Judges from that tribunal; but he was astonished that the hon. and learned Member (Mr. Watkin Williams) should make the objection he had made, that the learned Judges of the Judicial Committee were hardly fit to assume the functions of Judges of Appeal in the Court proposed by this Bill. In the Act of 1873—which the hon. and learned Member was, as he understood, instrumental in passing—some of those learned Gentlemen were made Judges of the Supreme Court of Appeal established by that Act; and yet the hon. and learned Member now said they were not fit, or might not be fit, to be Judges of the Intermediate

Court of Appeal proposed by the present Bill. He doubted very much whether it was sound advice that things should remain as they were until the question of Ultimate Appeal was finally settled. He should be sorry if, except as a matter of necessity, there should be anything like a permanent and continued absence from the Privy Council of any of those learned Judges who sat there habitually now, and who had raised that tribunal to its present high character. If it came to be shown that there would be sufficient judicial strength to constitute a strong and continuous Intermediate Court of Appeal during next year, it would be convenient to allow it to continue even when the new Supreme Court was established, so that the Legislature might not be trammelled next Session by the new Court proposed by this Bill. He would pass no opinion now as to continuing or strengthening the House of Lords as an Appeal Court. It was not what it used to be when a Lord Chancellor sat alone and confirmed his own judgment; and, although it would not be stronger than at present, the time might come when it would be weakened, unless some provision were made for continually strengthening it and making it sit continuously to hear appeals. On these matters he reserved his opinion; but meanwhile he was clearly of opinion there was much advantage in bringing into operation that part of the Act of 1873 which had been well considered and had met with public approval; and that it would be well to pass the suspensory clauses of the Bill, because the public were not now satisfied with the appeal clauses of the Act of 1873, and it would be wise to take further time to consider a step which would have a bearing on the Judicature of the country for a long time to come.

MR. OSBORNE MORGAN, after congratulating the House and his hon. and learned Friend (Sir John Karslake) upon his re-appearance in that House, said that, although the debate had only lasted two hours and a-half, they had at least ascertained two things—namely, that they were in a great mess, and that the Amendment of the hon. and learned Member for the Denbigh Boroughs (Mr. Watkin Williams) would not get them out of it. As the Attorney General had pointed out, they must suspend the Act of 1873 for another year, or as the hon. and learned

Member (Mr. Waddy) wished, they must repeal the Act altogether. For his part, he contended that they ought not to suspend that Act, or they might be suspending it year after year. Instead of standing shivering on the bank, they had better at once take the cold plunge, or put on their clothes and go home. Repealing the Act of 1873 was a serious matter, for the Act was not passed in a hurry; this House devoted 10 nights to it, and had 23 divisions upon it; the Judges had spent 18 months in maturing a body of rules, and yet it was proposed to undo all that had been done. He did not deny the competency of one Parliament to reverse the decisions of another; but it would be a very strong measure so to deal with the Act of 1873, particularly as it had never yet had a single day of trial. Nobody wished to return to the old state of things—to set up, as Lord Westbury used to say, one Court to do injustice and another to remedy it—nobody wanted to revive the old distinction between Courts of Law and Equity, to have one system prevail in Lincoln's Inn and another in Westminster Hall. In 1874 a Motion was made by the hon. and learned Member for Limerick (Mr. Butt) that the House of Lords should be retained as a Final Court of Appeal; but it was rejected by 191 to 29, and in the list of the majority he found the name of his hon. and learned Friend the Member for the Denbigh Boroughs. How had the sudden collapse occurred? Who was responsible for this change of front? Not Parliament, for Parliament was committed to the abolition of the House of Lords as a Final Court of Appeal, but some assembly sitting in St. James's Place. At the first blast of the trumpet of that self-constituted caucus, which had no official, recognized, or Parliamentary existence, the strongest Conservative Government since the days of Sir Robert Peel ran away, like the French Army at the battle of Fishguard, from a few old women in red cloaks. He wished to point out that they were committing one great and fatal mistake by passing this Bill in its present shape. They settled the constitution of the Intermediate Court of Appeal, without attempting to deal with the far more important question of the Final Court of Appeal. The House of Lords as a Court of Appeal was to be placed

in a state of suspended animation for another year, and subjected to a process of vivisection. If this subject was to be dealt with at all, it ought to be dealt with as a whole. His advice to the Government would be to re-cast this measure, and legislate on the question in a comprehensive form, dealing not only with the Intermediate Court of Appeal, but also with the Final Court of Appeal. If the House of Lords was to be continued as a Final Court of Appeal, let it be under improved arrangements with respect to the duration of its sittings and the mode of selection, and let it be made a first-rate tribunal; and if that was to be done, let it be done at the same time that they were dealing with the Intermediate Court of Appeal. There was no reason why that should not be accomplished in the present Session; but if that could not be done, and if any part of the scheme was to be suspended, let it comprehend all the clauses which related to the subject of Appeal; for if they dealt with it in this piecemeal fashion the result could only be that their last state would be worse than their first, and that in attempting to avoid one difficulty they would fall into another and a greater one.

MR. BULWER said, he thought it would relieve the House from a great difficulty to re-cast the Act of 1873 with this Bill, and make out of the two one measure. The Act of 1873 had never yet been fully considered either by Parliament or in the country, and he believed it would be the best course if the Government, instead of proceeding with the present Bill, which was to amend an Act which had not as yet, and would not for some time, come into operation, could see their way to amalgamating the two. In his opinion, neither the profession nor the public were in any very great hurry for the Act of 1873. He did not quite agree with his hon. and learned Friend (Sir John Karslake) in his anticipation of the great advantages to be derived from the operation of this Act. There were anomalies in our judicial system before 1873; but it was a complete mistake to suppose that they were then put an end to. All the advantages which the public would derive from the Act of 1873 might have been secured by the enactment of half-a-dozen clauses. The boasted fusion between Law and Equity

was a mockery. It was absurd to suppose that the fusion of Law and Equity could be secured by simply enacting that the same Judge should administer both, but even that was not secured. Suppose a man whose wife had run away from him went to the First Division of the Court. He would be referred to Sir James Hannen. Suppose another applicant were a man whose ship had been run down in the Thames. He would be referred to the Admiralty Court; and a horse case would be sent to the Queen's Bench, the Common Pleas, or Exchequer just as it was now. As to the Appellate Court, the Act of 1873 either did too much or too little. The present was not the proper occasion for discussing the question whether the House of Lords should be retained as the Supreme Court of Appeal or not. He would content himself with asking, If the House of Lords were a good thing, why should Ireland and Scotland alone get the benefit of it, and why should England and Wales be excluded? If, on the other hand, the House of Lords were a bad thing, why impose on Ireland and Scotland a tribunal not thought good enough for England? He would urge on the Attorney General to take the course of dealing with the subject of this Bill and the Act of 1873 in one measure.

MR. SERJEANT SIMON unfortunately did not altogether agree with some of his learned Friends. He could not join the hon. and learned Member for the Denbigh Boroughs (Mr. Watkin Williams) in his eulogies on the Act of 1873. He had always felt that that Act was a very pretentious one, that, if ever it came into operation, it would be found to fall far short of what it purported to effect. It proposed to bring Law and Equity together in one Supreme Tribunal, while it split up that Tribunal into divisions, stereotyping and perpetuating the present distinctive character of the present Superior Courts and of the Courts of Equity under other names. Such a mode of dealing with the question could only be justified on the ground that the measure was a transitional one. Nor was he satisfied with the Appellate part of the measure, one great defect in which was that it separated the Appellate Court into three divisions which might each arrive at a different

decision on the self-same questions. The Bill, however, apparently came down to this House with orders that it was to be passed *en bloc*, and no suggestion was listened to. What greater condemnation could there be of such a Bill than that it left open the question of an Appeal Court for Ireland and Scotland? He did not blame the present Government for not completing a measure which should have been completed by the Government in 1873. But he held them responsible for an attempt to repeal, by a side-wind, an Act of Parliament solemnly passed, and he asked what unseen influence, what hidden power, had been used to bring about a change which no influence in Parliament had succeeded in effecting? As he (Mr. Serjeant Simon) understood his hon. and learned Friend the Attorney General, he was going, with the permission of the House, to appoint a temporary Court of Appeal, and to shift Judges from one Court to another. If that was so, it seemed to him that they were going to do a most unwise thing, and that instead of reforming the law, they would unsettle and confuse it. He was not speaking in a spirit of opposition to the Bill of his hon. and learned Friend, nor did he contemplate going into the Lobby in a division against it; but he hoped his hon. and learned Friend would consider whether the question of the Appellate Jurisdiction should not be postponed until the Government were in a position to take the question up as a whole, and in the meantime to leave the existing Intermediate Courts to remain as they were until the question of the Final Court of Appeal had been settled. As he (Mr. Serjeant Simon) understood it, the Attorney General himself did not expect that the proposed Court of Appeal would be a permanent one; but he (Mr. Serjeant Simon) considered that if they were to have a temporary Court of Appeal that would be a most unsatisfactory state of things. He asked the hon. and learned Gentleman the Attorney General whether it was wise to establish a temporary Court of Appeal, when it was understood that they were at a future time to consider the whole question of an Appellate Court.

M<sup>R</sup>. GEORGE BOWYER said, he thought when some future historian would come to write the history of the change in the laws of this country

which they were now considering he would have some difficulty. The Parliament had been now three years occupied in considering and legislating on this subject, and there had been three Bills in reference to it brought in; but he ventured to say that no person was yet satisfied with the position of the question or knew in what direction it was tending. The intention of the Judicature Commission and of the framers of the Act of 1873 was, in the first place, to obtain a fusion of Law Equity, and, in the second, to secure such a division of the judicial work of the country among the Courts as would utilize the judicial power to the fullest extent; but, in his opinion the Bill of his hon. and learned Friend would create a great deal of confusion. It was said that it was a scandal to their legal system that there were two sets of Law and two sets of Courts; and when the question was asked what was the use of Law, the answer was go to Equity. Lord Erskine, asked a learned Judge in a case, what course he was to take, and was told he must go to Equity, when he replied—"Surely, my Lord, you would not send a fellow-creature to such a place as that." The system in the Courts of London and Westminster was said to be a scandal. With regard to the Act of 1873, it disturbed the Judicature system of this country. It spoiled and confused everything. The Judges were all mixed up together, and for equitable causes it was said there should be Common Law Judges, and in certain Common Law cases it was said there should be Equity Judges to whom a preference was given over the Judges of the other Courts. Thus it was indicated there would be a conflict of law, and that in the conflict one Court should have the preference over another. Well, if that were so, it could all be done without this sort of proceeding. Under the Act of 1873 a Judge might be transferred by Royal Sign Manual from one Division of the Supreme Court to another. Such a removal might be made in order to accomplish a dishonest and unconstitutional purpose of an evil Government. These removals would be most unconstitutional because they were contrary to the principle of the Constitution as to the irremovability of Judges. Unless the Judges were fixed so that they could not be removed without



their own consent their independence and dignity would be gone. The style of the Judges would be altered under the Act of 1873; instead of being styled Puisne Judges or Barons of the Exchequer, they were to be called Judges of Her Majesty's High Court of Justice. That, he thought, was a great innovation upon the historical existence of the Courts of Law. The names of the Judges were not so unimportant as some people thought. There was another thing which he had not heard mentioned in the debate. Under the Act of 1873 the Crown in Council might on the report of the Judges—which might be the report of a majority of one—change the number of the Divisions, or make any number of Divisions, and abolish the Lord Chief Justice of England, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer, and the Master of the Rolls. Those were most ancient offices in the Constitution of England. How the Act of 1873 was passed through Parliament no one could tell. He did not sit in that Parliament and therefore was not responsible. At the time there was a Government which prided itself very much on what was called progress. They did not, he thought, draw a distinction between progress and change. They did not see that though progress was good when you were going in a good direction, it was bad when you were going in a bad direction; or that a man going over a precipice might reasonably be glad of what had been stigmatized as a retrograde movement. The Act of 1873 was brought in as a measure of progress. A great portion of the other side of the House thought it necessary to follow suit. He would venture to say there was scarcely a member of the legal profession of any position or experience who did not regret that the Act of 1873 was passed. The late Government went out of office and they bequeathed to their successors a *damnosa hereditas*, the completion of the work which they had begun. People said—"The Act is passed and Parliament cannot stultify itself by undoing what is done." He thought a man very often stultified himself by sticking to a thing which he knew to be wrong. He was glad to say he had the opportunity of stopping the Bill of 1874. He took advantage of the late period of

the Session. He did so deliberately; because he thought Parliament should have a chance of re-considering these matters, especially the great question of the Appellate Jurisdiction of the House of Lords, which had been immaturely decided under the influence, he thought, of a peculiar Party combination. He did not agree with some of his hon. and learned Friends who thought the Government had done wrong in providing an Intermediate Court of Appeal. If there was only one Court of Appeal it would be completely blocked with business. The effect of having an Intermediate Court of Appeal was that the Appellate business was percolated through it, so that nothing went to the Ultimate Court of Appeal but what was of great importance and difficulty. The Ultimate Court of Appeal ought to establish a set of principles on which to decide difficult cases. The French did this by the jurisprudence of the *Cour de Cassation*; but the decisions of the House of Lords formed a body of law unsurpassed in any country in the world. The reporter in the House of Lords, Mr. Charles Clark, told him only the other day that during the present Session five decisions had been delivered which had fixed the law on most important questions. He ventured to say that no tribunal had yet been suggested which could be at all compared with the House of Lords as a Final Court of Appeal. The Irish Bar, practitioners and people, would not be satisfied without an appeal to the House of Lords; opinion in Scotland was the same; and the people and legal profession of England were content with the Appellate Jurisdiction of the Lords. He admitted the existence of sentiment upon this subject; but sentiment must not be despised. What was patriotism? Sentiment. What was loyalty? Sentiment. What were love of honour and desire of fame—which had been the main springs of great and heroic actions—but sentiment? Therefore the sentiment which was in favour of retaining the Appellate Jurisdiction of the House of Lords ought not to be despised. The House of Lords was a great tribunal, which had not its equal in Europe for dignity and historical antecedents. Its dignity and independence rendered it precious to the people of this country, and he ventured to assert that its actual working was not at all below

*Sir George Bowyer*

its actual pretensions. It was said that a Court composed of the Law Lords only was a fiction. He did not think it was; but even supposing it to be so, he would ask, how much of the British Constitution would be left, if all the fictions in it were abolished? Besides, there was nothing extraordinary after all in a body delegating peculiar functions to those members of the body who were best qualified to perform them. Many things might be done to strengthen the judicial force of the House of Lords whenever it might require strengthening, and he felt sure there would be no difficulty in maintaining the Appellate Jurisdiction of that House in its pristine vigour. He did not agree with those who held that a Court of Appeal should consist of numerous members. On the contrary, he thought three persons might constitute a good Court of Appeal. Those who had acted with him in preserving the Appellate Jurisdiction of the House of Lords did not wish to embarrass the Government, who had, in his opinion, acted very fairly and properly. It was the fashion to blame them for weakness in giving way as they had done; but he thought they would have done quite wrong, had they obstinately set themselves against the opinions of Members of both Houses, the Bar in England, and the wishes of the Bench and the Bar in Ireland and Scotland. They had done quite right in leaving the question to be re-considered before it was too late. If the Government were to declare their intention not to suspend the clauses in the Act of 1873, but to repeal them, he believed that such a course of proceeding would be most satisfactory, for it would leave the matter to be settled during the next Session. He thought the Government were bound to preserve the ancient jurisdiction of the House of Lords, as a most important part of the Constitution, and an essential part of the judicial system which had so long been the pride and ornament of the nation.

MR. GRANTHAM regretted that the Act of 1873 had been drawn in the lines in which they found it, but believing that both branches of the profession were desirous that that Act should become law, he trusted that no factious Amendments would be proposed to delay its progress through the House. At the present time the question was continually

put—"When are you going to settle the present unsettled state of things?" In reply to the question put by an hon. Member opposite as to why and how the Act of 1873 was passed, he would state that it was because the then Lord Chancellor and the Government of the day were not content to be the authors of a simple amending Act, such as the various Equity and Common Law Procedure Acts had been, but were desirous of bolstering up a failing Government and a waning popularity by introducing a sweeping measure which would have the credit of re-organizing the whole of the judicial system of the country. If the noble Lord had followed the directions and recommendations given by the Commissioners the country would not have been in the mess in which it was now placed. The main principles of the Judicature Act of 1873 were desirable, and if the Government had carried out the Amendments which had been proposed by an amending Act there would have been no alteration in the Judicature of the country. But instead of being content with that they desired to alter the whole judicial system of England, and the then Lord Chancellor introduced matters which had not been properly considered by the Judicature Commission. He believed the country regretted that the Government were so ambitious as to try to re-organize the whole system of our law. He did not intend to discuss the question of an Intermediate Appeal, because the country had pronounced itself unmistakably in favour of a second Court of Appeal, and the great body of practitioners in the country were in favour of such a Court. The real question now before the House was whether the temporary Court of Appeal proposed by the Government was as desirable as the existing Court of Exchequer Chamber. In his opinion it was impossible that the present Court of Exchequer Chamber could exist under the Act of 1873, and the Government, therefore, could not allow that Act to come into operation without at the same time creating some new Court of Appeal, even if it were only of a temporary character. The Government had determined that the number of Common Law Judges should be reduced to 12. Now, if the present Act should pass he believed there would be a greater amount of litigation than before, and he did not see

how with that reduced number of Judges an Appellate Court could be formed. The great objection to the Court of Exchequer Chamber was the uncertainty of its sittings. But there was another objection, and that was that under the Act of 1873 it was intended that there should be a greater power of interchanging Judges from one Court to another, and thus it might happen that some of the Judges sitting in appeal might be the Judges who had determined the original trial of a case, and that had actually happened more than once during the past month. By the Common Law Procedure Act of 1852 many of the technicalities which previously existed were simplified, and the result of that Act had been that in almost every case equity had been done where it was desirable that equity should be done. The questions now to be determined were whether the House of Commons should pass this Bill or not; and, as another Court of Appeal must be established, whether a better Court could not be created than was proposed by Her Majesty's Government. He agreed with the hon. and learned Member for the Denbigh Boroughs (Mr. Watkin Williams) that the Court proposed to be constituted was not the best. But that could be remedied in Committee, as Her Majesty's Government were not afraid to say to the country that they had spent some money for the country's benefit. He hoped they would not grudge £5,000 or £10,000 for the purpose of making the Court effective, especially when they considered the amount involved in the cases pending before the Court. He appealed to the Government to re-consider this portion of their measure; but, at the same time, he had great satisfaction in giving his vote for the second reading.

MR. MORGAN LLOYD said, that as he had placed a Notice on the Paper, he did not feel inclined to give a silent vote. It was agreed on all hands that there should be a Court of Intermediate Appeal and a strong Court of Final Appeal. Although there was some difference of opinion on the point, it might also be taken as generally agreed upon that they could not have a thoroughly efficient Final Court of Appeal without an intermediate Court to sift the causes and prevent the Supreme Court from being overburdened. He regretted that

the Attorney General had not spoken out freely. His complaint against the Government was not that they had altered their policy, but that they had not placed before Parliament a clear statement of their views with a determination to abide by it. The Government had proposed by this Bill the formation of an Intermediate Court of Appeal, which must, by its very nature, be an imperfect Court for the purpose. Perhaps, under the circumstances, they could not have done more; but they might, at all events, have given Parliament some indication of their own views as to what the Final Court of Appeal should be. Without some such indication, he felt that they were talking, so to speak, in the dark; and he regretted the Government had not made up their own minds on the subject, so as to enable Members on his side of the House to make up theirs as to the course they would take with reference to this Bill. Although he did not, like some hon. Members, think it the perfection of legislation, he was in favour of the measure of 1873, and thought that, having gone so far, they were bound to carry it into operation. He thought the best course would be to leave out the question of the Final Court of Appeal altogether for future consideration, and to confine themselves simply to the Intermediate Court. Next Session they would be able to deal with the question of a Final Court on its own merits, unfettered by other considerations. He believed that the House of Lords would satisfy public opinion as the best, because it was an Imperial Court capable of dealing not only with home appeals, but also those from India and the colonies. There were two provisions of the Act to which he thought fit at this stage to call the attention of the House. Under one section it would be competent for the Queen in Council, without consulting Parliament, to abolish any or even all of the circuits, and by another section an unusual power was given to the Lord Chancellor, whereby he might alter at his own discretion certain enactments of the Legislature.

MR. CHARLEY said, that the historical accuracy of the hon. and learned Member for Oxford (Sir William Harcourt) might be judged from the fact that he stated that no division took place with regard to the question of Appellate Jurisdiction in 1873. The question now

was whether they should have a second appeal, and if they decided that point in the affirmative it revived the question whether the Court of Final Appeal should be the House of Lords. When the Bill of 1873 was in this House he moved a Resolution in favour of retaining the Appellate Jurisdiction of the House of Lords, and he was supported by every Conservative lawyer then in the House, with one exception. He desired to withdraw his Amendment, but the then Attorney General (Lord Coleridge) was so irritated by an eloquent speech delivered by the present Lord Chancellor of Ireland (Dr. Ball), that he insisted on the Amendment being withdrawn—a wanton and very unnecessary proceeding. A large number of very practical and utilitarian persons were in favour of retaining the jurisdiction of the House of Lords, because it merited the confidence of suitors on account of the admirable manner in which it administered justice. It rose above the petty jealousies of Westminster Hall; it was entirely free from the iron fetters of case law, and the active members of it approached the consideration of the questions submitted to them from a point of view which was not found in the other Courts. The House of Lords was essentially an Imperial tribunal, uniting England, Scotland, and Ireland; and many people thought that its association with the Judicature was an old landmark of the Constitution which should not be removed, especially by a Conservative Government. Last year he set himself to form a Committee for maintaining the Jurisdiction of the House of Lords, and that Committee now consisted of 40 Queen's Counsel, 35 Peers, and 138 Members of Parliament. It represented every phase of political opinion and every part of the Kingdom, and it had no intention of dissolving until it had secured the object it had in view. By the course which they had taken in introducing this Bill, the Government had rooted themselves more deeply than ever in the affections of their followers, and if the Government next year preserved the Appellate Jurisdiction of the House of Lords they would earn the lasting gratitude of their supporters.

MR. JACKSON supported the second reading of the Bill, and thought that the Government deserved great credit

for the firm and honourable manner in which they had stood by a measure introduced by their opponents. There could be no doubt that the constitution of the Appeal Courts was a question on which there was great diversity of opinion, and upon which public opinion was evidently in a state of flux. Even his hon. and learned Friend (Mr. Watkin Williams) was halting between two opinions, and it was not easy to determine either from his Motion or his speech what was his feeling in reference to the Act of 1873? His own opinion was that that Act was a very valuable measure of Law Reform, and one which promised great good to the public. No doubt it was looked upon with some apprehension by those whose professional position would be affected by it, and, like all other changes, it would possibly at first occasion some inconvenience, but in the long run it would, he hoped, justify the promises of its authors. Speaking with reference to his own experience, he could welcome the Act for its abolition of the present mode of taking evidence in Chancery upon affidavits made out of Court, and substituting for it the examination of witnesses in open Court—a change which, of itself, would be a very great improvement, and, upon this ground, he was very anxious to see the Act of 1873 come into immediate operation. No doubt there were many imperfections in the Act—to say that, was only to say that it was an Act of Parliament dealing with a complex and difficult subject. But its defects could then be remedied, and its defects could then be remedied. For his own part, he had no hesitation in saying that when evidence was taken in open Court the existing staff of Chancery Judges would be found to be altogether inadequate to the work to be done, but nothing but actual experience would satisfy the House of this. Now as to the present Bill. Upon all sides it seemed to be conceded that, until the Ultimate Court of Appeal was determined upon, an interim period must be provided for, and of the three propositions that had been made in reference to this he must say that it seemed to him that the proposal of the Government was the best entitled to their support as involving the least expense, and as most completely recognizing a transition state of things, and he trusted they would be able to carry it substantially



in the form in which it now stood. He concurred in the necessity for having an Ultimate Court of Appeal, because experience had shown that there were cases affecting civil and political rights as well as mere pecuniary interests of such importance as to justify, and even to require, a second consideration even upon appeal. The Court of Appeal now proposed must necessarily, in order to get through its work, sit in Divisions, and having regard to the different training which the members of those Divisional Courts had received, it was possible, and, in matter of procedure and practice it was almost certain, that those Divisions would give conflicting opinions, which could only be reduced into harmony by being brought before an Ultimate Court of Appeal. Whether this Court should be the House of Lords or a Supreme Court to hear appeals from all parts of the Empire, was a different and far more serious question. For his own part, he adhered to the principle of the Act of 1873, which provided a Supreme Court apart from the House of Lords. The value of the House of Lords, and of every other Court of Appeal simply depended, not upon the room they sat in, or the name by which they were called, but upon the men who sat there. Now, no doubt, they would have the same men in whatever Court of Ultimate Appeal they might establish; but in a new Court there would be this advantage—that the Members of it would be paid officers of the State, bound to attend whenever there were appeals ready for hearing, instead of sitting, as the House of Lords now did, at uncertain intervals. There never was a time when the judicial strength of the House of Lords was greater than now, and he would hesitate long before he sacrificed such power; but there was, in his opinion, no danger of that being required, and other talent would be available for a Supreme Court, of which the burden of the Peerage now deprived the country. The constitution of the Ultimate Court of Appeal could be very well discussed next year, and there was nothing in the present Bill which would interfere with their decision upon that matter.

MR. ASSHETON CROSS moved the adjournment of the debate.

SIR HENRY JAMES said, he hoped that proper provision would be made for the resumption of the debate, and

that it would be put the First Order of the Day, so that there might be opportunity for having a substantial debate upon the question.

MR. GREGORY urged that a proper opportunity should be given on a future day for discussing the Land Titles and Transfer Bill, which had been adjourned from time to time.

MR. LOPES wished to know, if the debate was to be adjourned, when it would be brought on again? It was most desirable that this should be as early as possible, so that legal Members might have an opportunity before they went on Circuit not only of joining in the debate upon the second reading, but also of discussing the Bill in Committee.

MR. HOPWOOD also hoped that full opportunity would be given to discuss the Bill.

MR. DISRAELI said, he would make an arrangement that this debate should be proceeded with as soon as possible consistently with other business before the House. He hoped the House would not press him to name a day for the resumption of this debate, which he thought should be concluded as soon as possible consistently with the absolute requirements of Public Business.

SIR HENRY JAMES said, he hoped when the debate was resumed that it would be the First Order of the Day.

*Motion agreed to.*

*Debate adjourned till Monday next.*

#### EMPLOYERS AND WORKMEN BILL.

##### LEAVE. FIRST READING.

MR. ASSHETON CROSS, in moving for leave to bring in a Bill to enlarge the powers of County Courts in respect of disputes between Employers and Workmen, and to give other courts a limited civil jurisdiction in respect of such disputes, said: I should not have moved the adjournment of the debate if I had not thought, with the concurrence of my Colleagues, there was a general wish that my statement with regard to this subject should be made to-night; and I hope that it will be considered by both sides of the House in no Party spirit, but with a genuine desire of arriving at a satisfactory conclusion on the question, and that it will not be mixed up with the question of strikes and trades unions, as it affects

*Mr. Jackson*

large interests which have nothing to do with one or the other, and thereby arrive at a satisfactory conclusion with fairness and calmness. The ancient law with reference to the relations between master and servant did not promote freedom of contract in any way, and the laws as originally laid down were very oppressive and restrictive. The original Statute of Labourers, which was passed, as everyone knows, in the reign of Edward III., after a great plague and pestilence in this country, contained very restrictive provisions to prevent the rise in wages which labourers were demanding. That statute enacted that—

“Every person able in body, under the age of 60 years, not having means to live on; being required shall be bound to serve him that doth require him, or else be committed to the gaol until he find surety to serve; and if a workman or servant left his service before the time agreed upon he should be imprisoned.”

It also contained a section fixing what wages were to be paid, and declared that no higher wages should be paid. Passing over all the statutes which were enacted with regard to labourers at various times, I come down to another great period in our history—I mean the period after the suppression of monasteries. In the time of Elizabeth, I find the next great statute, sometimes called the Statute of Apprentices and sometimes the Statute of Labourers, contains provisions equally infringing on freedom of contract. First, the acceptance of work was made compulsory, the hours of labour were fixed, and the wages were to be fixed by it and under another statute by the Justices at the Easter Quarter Sessions. A master for dismissing his servant was only subjected to a penalty of 40s. The servant was liable to imprisonment; and no person was allowed to leave his shire without permission—no doubt to prevent vagrancy, which was increasing at that period in consequence of the relief given being cut off by the suppression of monasteries. No one can read that statute without feeling that, at all events, it was entirely out of date in the present age. I need not refer to any of the later statutes which were passed from time to time in the same spirit: but I would remind the House of this—that the same law of coercion against servants certainly did exist down to the year 1813, and to a very great extent down

to the year 1824. If we look at the long list of statutes relating to master and servant—they amount to 17 or 18—we will find that every one of them was passed at a time when these coercive measures against servants were enforced in this country. The next thing to consider is what really was the state of the law before the passing of the Act it is proposed to amend, and in doing so it will be convenient to take the state of the law before the Royal Commission was appointed and consider first the Master and Servant Act, then the Criminal Law Amendment Act, and lastly the question of conspiracy. Before the passing of the Master and Servant Act, as far as I can make out, the state of the law was this—the relation of servant and master and that of master and servant was by no means the same. With regard to any action which a servant had to take against his master he must begin invariably by summons; on non-appearance he might have a warrant against his master; an order for payment of wages might be with or without costs; if that order was not complied with it might be followed by a distress, and if the master had not sufficient goods to satisfy the demand he might be imprisoned. But when we come to deal with the action of the master against the servant the law assumes a very different complexion. A summons was not necessary; there might be a warrant in the first instance. A summons or warrant went against the servant not simply for breach of contract, but for any misconduct in the execution of the contract. The penalty was that he might be sent to prison for three months, and in the first instance the wages might be abated; or he might be discharged from his contract. So that the law, before it was altered in 1867, was in this state—the remedy against a master was entirely civil, but the remedy against a servant was entirely criminal. In the case of a servant he might be arrested on a warrant and taken to prison if necessary before the case was heard, and when it was heard he was not allowed to give evidence in his own defence; whereas, if he brought a charge against the master, it being a civil matter, the master was entitled to give evidence against the servant. There were certain other evils. A case might be heard before a single Justice in his own private house; im-

prisonment was the only punishment which could follow, and there was no appeal. To this state of things, which is a remnant of the old coercive laws, there is no doubt that servants took great exception. To inquire into the subject the House appointed a Select Committee, of which the noble Lord the Member for Haddingtonshire (Lord Elcho) was Chairman. That Committee reported that the state of the law was unjust and arbitrary, and they recommended certain alterations—that the inquiry should be in public; that it should be before two Justices, or one stipendiary; that there should always be a summons before a warrant; and that, instead of imprisonment being the necessary punishment, a fine should be imposed in the first instance, and then distress, followed by imprisonment: they also reported that there might be an order made for the specific performance of contract; that in an aggravated case of injury to person or property a servant might be sent to prison, and that he should be allowed to give evidence in his own defence. A great many of these recommendations were embodied in an Act which was passed in the following year. There was to be a public trial before two Justices; there should be a summons in the first instance before a warrant; and the party be allowed to give evidence in his own defence. According to the original Bill there might be an order for fulfilment of the contract, or it might be annulled, compensation might be assessed for injury, and wilful and malicious injury was made a crime indictable at Quarter Sessions. In the progress of the Bill changes were introduced, and when it became law it had assumed a different complexion. Power was given to the Justices to order the fulfilment of a contract, or annul it and award compensation; and then followed in the 9th clause remarkable words, to the effect that where compensation would not meet the circumstances of the case there must be a fine, and on failure to pay it or to do what was ordered there must be imprisonment. The 4th and the 9th sections made these words refer to several breaches of contract and cases of conduct and misdemeanour, as well as to the offences defined by the 17 statutes named in the Schedule, the operation of which was only suspended by the operation of the

Master and Servant Act, not being repealed. The 14th clause had given rise to much discussion. It provided that where the conduct complained of had been of an aggravated character, and not committed in the *bond fide* exercise of a legal right, and if it appeared that the case was not a fit one for pecuniary compensation or other remedy, then a man might be sent to prison. That was the Act of 1867 which is about to expire. When it became law it was considered by the servants generally throughout the country as a very great boon; and it was spoken of in terms of credit and praise, not simply by the Press, but by persons occupying high positions in life, and the Secretary to the Society of the Operative Classes, in an address, said that the previous laws had been replaced by one which put the employer and the employed on an equal footing. The question arises, what are the objections which are now taken to that law which was so much approved at the time it passed? The objections may be traced to what the Act retains of the character of our ancient law; that forbade freedom of contract for service; and this Act, although it mitigates the ancient law in many ways, still retains a criminal character. It is said that civil contracts ought to be enforced in Civil Courts, and that the contract of service is the only one that is enforced by the Criminal Law. That is the main objection to the principle of the Bill, and other objections went to matters of detail. By common consent it was an ill-drawn Act, and one very hard to be thoroughly understood. And then came the 14th clause, with reference to aggravated breaches of contract, which it was said really formed a kind of sliding scale from the difficulty of being able to say when it was, and when it was not, an aggravated case—some justices considering the cases were only breaches of simple contract, whilst others held upon similar facts that they were aggravated breaches of contract. Some held that they might imprison for any breach of agreement, however slight and excusable; and on this account it was said that the old law survived in spirit in spite of the qualifying words in the Act. No doubt, great objections to the Act of 1867 still exist. When the Government came into office they, on finding this Act was going to expire, took a course

which I believe to be right under the circumstances. Instead of immediately legislating upon the subject, they appointed a Royal Commission in order to ascertain what were the difficulties experienced in working the Act of 1867; what were the great objections to it; and how they could best meet those objections and difficulties. The Commission appointed was one composed of Gentlemen of the highest standing in the country, who could have no interest one way or the other in finding out what were the anomalies that existed and what should be the remedies to be applied. No doubt, they entered upon their labours with a sincere and earnest wish to do what they thought right. They did not spare either time or trouble in their deliberations, and they have this year presented their Report, and it is upon that Report I desire to make some suggestions to the House. Before, however, leaving the Act of 1867, I ought to say that those who represented working men stated, before the Committee of 1866, as well as before the Commission, that they had no wish whatever to prevent the punishment of anyone who had committed a crime, and that there were crimes which were necessarily committed only by breach of contract on the part of those who stood in the relation of employed to employers. For instance, Mr. Harrison admitted that a man who maliciously exposed his employer to injury committed a specific offence, and he instanced the case of an engine-driver abandoning an engine at full speed, or a driver abandoning a horse on the highway. So, again, Mr. Crompton admitted that there were specific employments in which distinct breach of contract undoubtedly involved serious risk or injury to life and property; and these offences, he contended, should be dealt with, not by the 14th section, but by express provisions of the criminal law. The instances named were those of the police force, miners, railway servants, merchant seamen, all of whom have special dangers attached to the employments in which they are engaged—special dangers, too to the general public for whose interest, and not particularly for the interest of their masters or fellow-servants, it is that they should be subject to special laws. Passing by those special cases, which should be dealt with as such, let us see what the Report of

the Commission is upon the Act of 1867. They first discussed very properly the 4th and 9th sections, leaving out of view the aggravated cases under the 14th section. I will read one or two paragraphs of the Report showing the conclusions to which the Commissioners came on cases of absolute breach of contract. But, first of all, I should state that this is the unanimous Report of the whole Commission, without any single exception; for although there is a separate Report from the hon. Member for Stafford (Mr. Macdonald) at the end of the Report, his Report is entirely in accord with the rest of the Commissioners on this—

“That the mere breach of contract such as was contemplated by the 9th section of the Act should be divested of all character of criminality, and we therefore recommend that the power of the magistrate to impose a fine under that section, when compensation cannot be assessed, should be taken away. If the complaining party has sustained or will sustain loss, compensation can be assessed; if he has not, he has no claim to damages, and the infliction of the fine can only operate by way of punishment, which presupposes a criminal act, and not a claim of damages arising from a breach of contract.”

The Commissioners then went on to say—

“But for the reasons we have already given, we cannot advise that imprisonment in the last-mentioned form should be done away with, although we think that the servant should be sent to that part of the prison in which persons imprisoned for debt are confined, and not to a common gaol. And the jurisdiction here conferred should, in our opinion, be limited to matters arising specifically out of the contract entered into between the parties.”

On this particular there is no difference of opinion whatever—namely, that in all ordinary cases of breaches of contract between master and servant, the whole of the old law, so far as it is coercive, shall be swept away, and that they shall be treated simply by a civil proceeding. I now come to that part of the Report which deals with breaches of contract of an aggravated character. The Commissioners state—

“Some of our number, feeling the force of the objection founded on the anomalous character of the law by which breach of contract is treated as a criminal offence, and thinking that a sufficient remedy can be found for the prevention of breach of contract, though of an aggravated character, are of opinion that it would be better that it should be dealt with as falling within the civil rather than the criminal law. To those Members of the Commission it appears that it would be sufficient if power were given to the justice in aggravated cases, such



as we have pointed out, to commit to prison for a longer time not exceeding six months in the event of the compensation he may award not being paid, the prison being a civil prison, and without hard labour. The other Members of the Commission, impressed with a sense of the serious mischief which may result from such aggravated breaches of contract, are of opinion that the law as it now exists under the 14th section, but subject to the provision hereinafter proposed of having such cases tried by a jury at the option of the party accused, should be maintained."

The Commissioners submitted both those views for consideration, leaving it to the wisdom of the Legislature to decide between them. I will, therefore, shortly state what the decision of the Government is with respect to cases under the 14th clause. Before leaving the Report of the Commissioners I must refer to two recommendations which are made in it. The first is as to the jurisdiction that shall try these cases between master and servant. A great deal of evidence was taken before the Commissioners on that point. The County Court was named, but it was objected that the County Court did not sit continuously, and that in many instances intervals of a month or six weeks elapsed between the sittings, which is a great disadvantage to suitors of this particular class. Therefore, the Commissioners discussed the question as to whether the Registrar of the County Court should be empowered to deal with such cases in the meantime, and at length they came to the conclusion to advise Parliament to leave these cases in the hands of the magistrates as civil proceedings, making it a consideration, wherever there was a stipendiary magistrate, that the cases should be heard before him. Such being the Report of the Commissioners, I will now shortly state what is the opinion of the Government, and how we propose to deal with the matter. We propose on this head, first of all, that whatever the crimes may be, committed by persons engaged in this kind of employment, those crimes should certainly be specified distinctly in the Act of Parliament, and not left to the discretion of the magistrates to make one a crime and another not. Therefore, we propose to present to the House two separate and independent Bills, one dealing with all such matters as we think ought to be treated criminally, and the other with all that ought to be dealt with civilly. This was a matter on which a great number of witnesses had been

called, not merely before the last Commission, but before the Committee which sat in 1856. I apprehend there is no doubt whatever on this point—that wherever there is what is called a general public danger to the State or a large body of the community, ensuing from the neglect of duty to perform a contract, each neglect may be looked upon as a crime. What we then propose is that, wherever a workman is employed by a municipal authority or a public company, upon whom is imposed by Act of Parliament the duty of supplying any city or other place with gas or water, and that workman wilfully and maliciously breaks his contract of service, knowing, or having reasonable cause to believe that the probable consequence of his doing so, either alone or in combination with others, would be to deprive the inhabitants of that city or place or a great part of them, of gas or water, such a breaking of contract shall be considered as a special offence. Such a workman will be placed by that provision in the same category as the police force, seamen, and railway servants. Then there is another class of crimes to be dealt with. There are in the Malicious Injury to Property Act two general clauses—51 and 52—which enact that anyone wilfully and maliciously committing injury to the property of another shall be guilty of an offence the degree of which shall vary according to the amount of damage done. Take, for instance, the case of any man who wilfully with his hands strikes a blow at any property belonging to another, and inflicts an injury to that property maliciously and aware what the consequences would be, that offence falls within the existing law. Now, a man may do precisely the same injury with his feet as he does with his hands when he walks away from his work, knowing at the same time that injury to the property will ensue. We therefore, propose to place such an offence in the same category as that where a workman strikes a blow at property with the hand and injures it. These two crimes, we think, may be put under the criminal law. When we come to consider other breaches of contract, we think they ought to be brought under a different system. We think the time has come when, considering the various attempts to modify the ancient laws, which have been coercive

and oppressive, we may in other branches of contract between master and servant, do away with all criminality and proclaim, once for all, that as between master and servant contracts shall be treated civilly as any other contract case. That, I think, ought to be the satisfactory conclusion of all parties concerned. We propose that this kind of contract shall be dealt with as a civil proceeding, with all the incidents of civil proceeding. The ordinary cases will go the County Court, as suggested by the Commissioners; but I do not think the County Court has sufficient powers to deal with such cases. It is therefore proposed to supplement their powers by saying that they shall not only assess such damages as they think proper, but also have ample powers to adjust all the claims which may exist between master and servant, and to rescind a contract if they think it equitable that it should be rescinded. That is giving to the County Courts the same power exercised by magistrates under the Master and Servant Act. There is another question which has been very much pressed upon our notice, not simply by the Reports of the Commissioners, but also by everyone who has written upon this subject. They have all thought that contracts could be enforced, as in the Court of Chancery, by an order of specific performance. It is extraordinary what a number of persons have written and have said that; but the obvious answer is that the Court of Chancery never does enforce contracts; it has always steadily refused to do so. Therefore, to order specific performance is not possible. There is, however, one way in which a good many of these cases may be met with equal justice to both parties. A servant is brought up for having broken his contract—I am not speaking of strikes, but of the ordinary cases of breach of contract—as, for instance, when a servant goes away for a week without permission. He is brought before the Court which can assess damages; but it may often be better for the servant to go back, and we think it would be unwise not to give to the Court the power of saying—“My good fellow, the best thing you can do is to go back, and if you will undertake to do so you will hear nothing more about the matter; but if you do not, with security or without, then, of course, we shall assess the damages, and unless

your security or yourself pays you will have to go to prison.” It is perfectly optional for the man to do which he pleases, and that is as far as we can go towards making an order for specific performance. Another question has been very much considered—namely, to what other tribunal can we go? The evidence given before the Commission by the police magistrates of London and other places shows that the County Court is expensive as well as dilatory, and we therefore propose in small cases—that is, where the claim is limited to the amount of £10—both master and servant shall be entitled to go to the stipendiary magistrate, or where there is none, to the nearest petty sessions, and they shall have the same power as the County Court of making an order for the payment of damages. There is one point of importance here. The Commissioners reported that if a man does not pay the damages assessed he shall go to prison—they did not see their way to avoiding that. But there is this remarkable paragraph in their Report. They say—

“If it is a small case of damages the term of imprisonment shall be three months in that of the prison allotted to debtors; but that if it be a large amount he shall go to prison for six months.”

I confess that there seems a great inconsistency in that. If we send a man to prison for three months or for six he must feel it to be a punishment, and we cannot say he should go to prison for six months if he owed £20, and only for three months if he owed £10. There is this further difficulty. It puts the man against whom the damages are given practically, though not nominally, in a worse position than he was in before; because if a man is subject to a fine of a few shillings under the Small Tenements Act, he would only be sent to prison for seven or 14 days. In this case, however small the amount of damages, he is liable to three months' imprisonment. I think the Commissioners have made some mistake here. [Mr. MACDONALD: Hear, hear!] The end of the whole business is then, that if this matter is to be treated civilly, treat it civilly. We specify what are to be crimes, and everything else is to be treated as a civil debt. Therefore, we propose in this Bill that any damages assessed they should become a debt, to be treated like any other debt, and recoverable in

the County Court—that Court to have the same power of enforcing payment of the debt as in all other cases. We have come to this conclusion, and we believe it to be the only logical conclusion to which we could come upon the Report of the Commissioners. That being so, let us go to the other part of the case. When we declare there shall be absolute freedom of contract between master and workman, we are also of opinion that there must be equal freedom of contract between workman and fellow-workman. If a workman is entitled to make a contract with his master as he might make a contract for his bread, or his house, or anything else, if he breaks his contract he is to be as free from his fellow-workmen as from his master. There is to be no infringement by Parliament on his liberty as regards his master, and there must be no coercion on his free will by his fellow-workmen or bodies of his fellow-workmen. He must have precisely the same liberty as anyone else in this country; and therefore we come now to consider what must be done in the case of the Criminal Law Amendment Act. Before I touch upon that, let me say that it must not be imagined for a moment that we are doing what has never been done before. Do not run away with the notion that by equalizing the law of servant and master we are doing anything that will hinder us in the race of competition with foreign countries. Foreign nations are a long way ahead of us in this matter. In Italy, France, Belgium, and Germany there is absolute equality, and all these matters have for a long time been treated as civil contracts. We are therefore taking precisely the same step which has already been taken by foreign nations, and we shall be in no worse a position as regards these contracts than any of those nations. I now come to the Criminal Law Amendment Act, and if the House does not think I am trespassing on its attention too long I should like to read a short extract from the 1st section of the Act of Parliament, because I cannot help being of opinion that the Act is one which has been very much misunderstood. There have been a great many cases in which there has been great misapprehension as to what the law really is, and how far it goes. It has been said that this Act is a piece of class legislation; but that

I deny, because the first and main clause does not refer simply to master and workman but to every person who does any one or more of the things specified in it—

“1. Use violence to any person or any property. 2. Threaten or intimidate any person in such a manner as would justify a justice of the peace, on complaint made to him, to bind over the person so threatening or intimidating to keep the peace. 3. Molest or obstruct any person in manner defined by this section with a view to coerce such person.”

Thus the molestation or obstruction must be done with the view to coercion—that is, interfering with the free will of another. But then we have a definition of what molestation is—

“1. If he persistently follow such person about from place to place. 2. If he hide any tools, clothes, or other property owned or used by such person, or deprive him of or hinder him in the use thereof. 3. If he watch or beset the house or other place where such person resides or works, or carries on business, or happens to be, or the approach to such house or place, or if with two or more other persons he follow such person in a disorderly manner in or through any street or road;”

but the whole thing is with a view to coercion. On the other hand, the working men have urged — “We always thought we had absolute power to go to a place for the purposes of persuasion. We have not gone for purposes of coercion. We only want to inform those persons who have been brought from other districts by advertisements as to the real state of things. We thought these things were innocent, but by this Act they are made crimes.” Now, that is a mistake, because none of the things mentioned are crimes. I have this on the very highest authority; first, that of the Commissioners themselves, amongst whom were the Lord Chief Justice of England and many other persons very learned in the law, and I wish shortly to call the attention of the House to one or two paragraphs of their Report. The Commissioners said—

“It was alleged that the provision against picketing was too general; that picketing might sometimes be perfectly innocent, and on some occasions absolutely necessary for the protection of the Union; that, for instance, when the Union was on strike it would be necessary to keep watch to see that men receiving pay from it, as being on strike, did not take work, and thus defraud the body. But the answer is obvious. Such a case ought certainly not to be held to be within the Act, which makes molestation penal only when used for the purpose of

coercion. Again, it is alleged that too loose a construction has been put on this part of the Act, and that language addressed to a man for the purpose of persuading him has been held to be molestation with a view to coerce. If, however, such a construction, which would, undoubtedly be too large, should have been put on the Act, the fault is not in the statute, the language of which is sufficiently clear and precise."

Then they referred to the language of Mr. Justice Lush, and his words were so clear that he felt bound to read them. In a case which he was trying—the case of "*The Queen v. Shepherd*"—he said—

"The defendants merely waited outside the place where the workmen were employed, and tried to induce them not to work there, their conduct being peaceable, orderly, and civil. The learned Judge, in summing up the case to the jury, pointed out the distinction between force put upon the will of another by violence, intimidation, or molestation, and persuasion used as a means of influencing the will, observing on the difference between the case then before him and one which he had tried at Leeds, in which the parties, charged under a similar indictment, had abused their fellow-workmen, shouted and hooted at them, and had been otherwise violent in their conduct. Finally, he directed the jury, if they should be of opinion that the defendants had done no more than employ persuasion, to acquit them, which the jury accordingly did."

[**LORD ROBERT MONTAGU:** In what year?] In 1869, before the Criminal Law Amendment Act was passed; but I am now speaking of the existing Act of 1871. The Commissioners went on to say—

"Believing this to be the true exposition of the law, we cannot doubt that the ruling of the learned Judge will be followed in any similar case."

There is another exposition of the law which was given by a right hon. and learned Gentleman for whom we all have the highest respect. I mean the Recorder of London (Mr. Russell Gurney), and there cannot, in my opinion, be any clearer exposition of the law of 1871 than he laid down to the Grand Jury in the case of five men who were sent to prison. The House will see whether there is the slightest difference between that exposition and that which I have just read. The right hon. and learned Gentleman said—

"Among the acts forbidden by that Act was this—the molesting or obstructing any person by watching or besetting any place or the approach to such place where his business was carried on, with the view to coerce such person to alter his mode of carrying on his business. That, then, was the question the Grand Jury would have to consider—whether the evidence laid before them was sufficient to establish a

*prima facie* case that the defendants did conspire to molest or obstruct the prosecutors by watching or besetting their place of business, in order to coerce them to alter their mode of carrying on their business. And there the Grand Jury must observe a distinction. The question was not whether they had endeavoured to cause them to alter their mode by themselves refusing to work or by persuading others not to work. That they had a right to do; but the question was whether they agreed to effect their object in the way forbidden by the Act. That they did watch the place of business there would probably be no doubt, but there were some purposes for which they had a perfect right to watch. When a contest of that sort was going on it was not unusual, he believed, to watch in order to see that none of the men who received what was called 'the strike pay' were also receiving wages from the employers; but the more important object that the watchers had in view was to inform all comers—those, for instance, who might have been brought by the advertisement—of the existence of the strike, and to endeavour to persuade them to join in it. All that was lawful so long as it was done peaceably, and without any interference with the perfect exercise of free will by those who otherwise would have been willing to work on the terms proposed by the prosecutors. The sort of questions," the Recorder proceeded to say, "which the Grand Jury would have to ask themselves was, whether the evidence showed that the defendants were guilty of obstructing and rendering difficult the access to the prosecutors' place of business, or whether there was anything in their conduct calculated to deter or to intimidate those who were passing to and fro, or whether there was an exhibition of force calculated to produce fear in the minds of ordinary men, and whether the defendants or any of them combined for that purpose. If they thought that was proved, it would be their duty to find a true bill; but if they thought their conduct might be accounted for by the desire to ascertain who were the persons working there, and peaceably to persuade them or any others who were proposing to work there to join their fellow-workmen who were contending for what, rightly or wrongly, they thought was for the interest of the general body, then they would ignore the Bill."

Well, then, I put it to the House whether that is not the law that ought to be maintained? If a man can do all these things under the law, has he anything to complain of if the Act is fairly and honestly carried into effect? Is it not equally necessary to maintain the perfect free-will and independence of the workman as against his fellow-workmen as it is to maintain his freedom and independence against his master? We therefore do not propose to make any alteration in the Criminal Law Amendment Act of 1871, except the one recommended by the Royal Commissioners—namely, that the defendant should have the option of having his case tried,



not by the justices before whom he was brought, but by a jury. I have now simply to deal with the Law of Conspiracy. The subject of the Law of Conspiracy is a very difficult one to approach at this late hour of the evening; but I do not propose to take up much of the time of the House in referring to it. The first question that arises here is—will you deal with the Law of Conspiracy as a whole, or merely as a particular branch of the law relating to the subject engaging our attention. The hon. and learned Member for the City of Oxford (Sir William Harcourt) some years ago endeavoured to deal with it on a limited scale, but the Ministry of the day were more ambitious. They made considerable additions to his Bill, and the result was the measure came to an untimely end. To deal with the whole Law of Conspiracy would be a very serious matter in the present state of the criminal law. Indeed, I doubt whether any Ministry can so deal with it, until the criminal law is in a very much more perfect state than it is at present. The Government, therefore do not propose to deal with the Law of Conspiracy as a general subject in the Bill which I shall lay upon the Table. But we do propose to deal with the peculiar grievance which is alleged to exist so far as regards master and workman. That grievance arises in consequence of the discrepancy between the Trades Unions Act and the Criminal Law Amendment Act, which were passed in the same year. The latter Act, after imposing penalties for threats and molestation with a view to coerce, added a Proviso that no person should be liable to punishment for conspiring to do an act that tended to restrain the free course of trade, unless the act was done with the object of coercing. It was therefore thought, and generally understood by the country, when these Acts were passed, that so far as the case of trades unions was concerned they were free from the Law of Conspiracy. But one or two decisions have since been given by the Judges which have tended to shake confidence on the subject. Upon that point the Commissioners say—

“It has been urged that by the ruling of the Judges, and the Proviso to the 1st section of the Criminal Law Amendment Act, the construction of the Act is deprived of any practical value.”

*Mr. Assheton Cross*

With that opinion of the Commissioners the Government entirely agree. I need hardly point out that in the celebrated case of the gas stokers it was not upon the count on which they were convicted that the ruling of the Judge was challenged, but on the count on which they were not convicted. The ruling of Baron Pollock was also brought before the Commissioners. He is reported to have directed the jury that if several workmen combined not to work with a particular person, and refused to work for an employer unless he dismissed that workman, that would amount to a conspiracy at Common Law; a doctrine which would equally apply to masters agreeing not to employ a particular workman unless he left a particular society or union. The Commissioners did not choose to enter into the question whether that is a true interpretation of the law, but say, if it is, it ought to be changed; and with that opinion we entirely agree. Therefore the proposal we have to make with regard to the Law of Conspiracy is this—that we shall put a clause in the Criminal, and not in the Civil Act to this effect—

“That an agreement or combination of two or more persons to do, or to procure to be done, any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be punishable as a conspiracy, if such act as aforesaid, when committed by one person, would not be punishable as a crime.”

That is the whole of the Government proposal upon this point. I would say again, we want the most absolute freedom of individual will between the master and the servant; and we are determined to maintain the most absolute freedom of will between the servant and his fellow-servants. I have an instinctive dislike to put persons in prison unless they have committed a crime. I think it is of very great importance that when a man has committed a crime he should know he is going to prison. It is of equal importance where a man is convicted justly of crime, and goes to prison, that the punishment should be certain. I know of nothing more mischievous than interference, except for the most just and proper cause, with the course of the administration of justice. But if no crime has been committed do not send the man to prison. Keep up the broad distinction in the minds of the public that gaols are for criminals, and maintain also the belief that if a man

becomes criminal he shall go to gaol, but that you will not fill your prisons by persons who have not committed a crime. Upon these broad and plain, and I hope distinct issues, we have placed these Bills before the House. I hope they will receive the attention which, in the opinion of the Government, they deserve, and that they will afford some satisfactory solution of these very difficult questions. I am afraid I have detained the House some time; but I was anxious that it should clearly understand what the law is proposed to be, and the reasons for the change. It will be necessary, I may add, as there are a number of Acts in the Schedule, to pass a repeal measure of certain Acts which will become obsolete in consequence of these Acts. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

Motion made, and Question proposed,

"That leave be given to bring in a Bill to enlarge the powers of County Courts in respect of disputes between Employers and Workmen, and to give other courts a limited civil jurisdiction in respect of such disputes."—(*Mr. Assheton Cross.*)

MR. HOPWOOD reminded the right hon. Gentleman that at present men might be made criminals according as the tribunal that tried them was formed, and that Judge after Judge gave different decisions as to what the Law of Conspiracy really was. He believed there was no wish on the part of workmen to coerce their fellow-servants, and that a sense of honour prevailed in their dealings with one another.

LORD ROBERT MONTAGU remarked that there was much in the Bill for which the House and working men would be grateful, but that there were some points on which further information was required. In the earlier part of the speech of the right hon. Gentleman he seemed anxious to prove that since the remotest times of our history there had been coercive measures against workmen—that there had never been any freedom of contract. This was utterly fallacious. There had always been perfect freedom of labour in olden times in England until, in the reign of Elizabeth, a man who would not work was flogged for the first offence, branded for the second, and hanged for the third. Coercive measures against working men began in the reign of William III., when the

right of representation was taken away from the working classes and transferred to the employers. The House of Commons had since that time been the House of the middle classes. He was glad that the Home Secretary had divided his measure into two, and he would recommend him to pass his Civil Bill with certain amendments and to drop the Criminal Bill altogether. The right hon. Gentleman argued that in the case of gas and water companies breaches of contract ought to be criminal offences because of the injury to the public. He should make the gas and water companies liable to the public, and then they would put a clause in their contract with their workmen subjecting them to penalties if they left their employment without giving a month's notice, and by this contract the men would abide. But by making it a criminal offence, an enormous and tyrannical power would be put into the hands of gas and water companies. With regard to the right hon. Gentleman's observation that the working men should be as free from their fellow-workmen as they were from their masters, he (Lord Robert Montagu) would say that that would lead to the dissolution of the unions of working men. ["Divide!"] If hon. Members did not like to hear him they might go home. The right hon. Gentleman in speaking of malicious injury done by working men, whether it were done by hands or feet, said it ought to be treated as crime. He (Lord Robert Montagu) objected to that. The Commissioners said that the working man on strike should either work or knock under. Well, that was a feeling which led to the formation of trades unions. They became an incorporated body to assist each other, and to say that the working men should be as free from each other as they should be from their masters amounted practically to a dissolution of trades unions. That was what the Home Secretary was driving at and what he wanted to do. ["No, no!"] He (Lord Robert Montagu) said yes; but would urge that instead of pursuing that policy—a policy which had been pursued for 100 years—in trying to get rid of trades unions, they should adopt a course exactly the reverse, and seek to increase the power of trades unions. They should re-constitute them as the ancient guilds were constituted, and then the country would get all the advantages which it had derived from

the guilds, while injustice would be done neither to the masters nor to the men.

MR. MACDONALD said, he did not rise at that late hour of the evening to prolong the debate, especially after the liberal explanation which they had had from Her Majesty's Government with regard to the Labour Laws. He rose simply to say that, although it was stated in the early part of the evening he was burning with a desire to make a speech on this subject, it was not really his intention. He had only been desirous that the country, which had been anxiously looking forward to the proposals of the Government, should have the earliest possible opportunity of knowing what they were. He thanked the Home Secretary for the prompt manner in which he came forward and redeemed the pledge given by the Prime Minister early in the evening by moving the adjournment of the debate on the Judicature Bill. With respect to the Bill, as the question would have to be judged by the public most concerned, he hoped the Home Secretary would give considerable time to enable them to get the opinions of those who were most interested in the matter. He would add, further, that he was certainly glad the Home Secretary had seen fit to eliminate the criminal portion of the Law of Contract altogether. With regard to the character of the tribunal, he was afraid that it was not quite satisfactory. He must also say that he regretted the continuance of the Criminal Law Amendment Act very much indeed. The Bill would be laid, however, on the Table for second reading, and then he should be able to state more explicitly his views, and then the working classes could give theirs in so far as they thought them to be the opinions entertained by the general body of the people on this subject.

MR. KINNAIRD said, he wished to add a few words to what had fallen from his hon. Friend (Mr. Macdonald), and to thank the Home Secretary for having so promptly redeemed the pledge given by the Prime Minister. The late Government gave many promises to take up this question, but had failed to do so. He was perfectly satisfied that the working classes throughout the country regarded this question with the deepest interest. He knew this was the case in the city he represented (Perth), and he

hoped the right hon. Gentleman would give sufficient time for the consideration of the Bill before it was brought forward for the second reading.

MR. ASSHETON CROSS said, he must disclaim the sentiments which had been attributed to him with reference to trades unionism. He hoped the Bill would be laid on the Table to-morrow, and he proposed to take the second reading in a fortnight.

Question put, and agreed to.

Bill ordered to be brought in by Mr. Secretary Cross, Mr. ATTORNEY GENERAL, and Sir HENRY SELWIN-IBBETSON.

Bill presented, and read the first time. [Bill 203.]

#### HOUSE OCCUPIERS DISQUALIFICATION REMOVAL BILL.—[Bill 164.]

(*Sir H. Drummond Wolff, Sir Charles Legard, Sir Charles Russell, Mr. Callender, Mr. Ryder.*)

COMMITTEE. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [3rd June], "That Mr. Speaker do now leave the Chair."

Question again proposed.

Debate resumed.

MR. HAYTER opposed the Bill, on the ground that it unsettled the present electoral arrangements, and moved that the House go into Committee that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—(*Mr. Hayter*.)—instead thereof.

SIR WILLIAM HARCOURT expressed a hope that the Government would state the view they entertained in respect of the Bill. It would give to an exceptional class—namely, the letters of lodgings—the benefit of the franchise on a six months' residential qualification. He was willing to close with the proposal contained in the Bill, provided that the general householder qualification for the borough franchise was reduced from 12 to six months.

MR. GATHORNE HARDY said, he had been somewhat surprised to hear the extraordinary statements which had been made in respect of this Bill. With respect to the letters of lodgings, a person might let every room in his house

separately, and not be deprived of his right to vote, but if he let his furnished house for a short time he was deprived of his vote by this Bill. The Bill was no revolutionary one, but one which the House might fairly take into its consideration.

MR. WHITWELL objected to the Bill.

SIR H. DRUMMOND WOLFF disclaimed any Party motives in bringing the Bill forward, and trusted that the House would allow it to pass through Committee.

MR. DODDS contended<sup>d</sup> that the measure was a specimen of piecemeal legislation which ought not to be encouraged.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 107; Noes 20: Majority 87.

Main Question proposed.

MR. DODDS moved that the debate should be adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned."  
—(Mr. Dodds.)

MR. RITCHIE pointed out that the hon. Member for Stockton was rather fond of opposing Bills on the Motion for going into Committee upon them. He had done the same thing to a Bill which he (Mr. Ritchie) had introduced.

MR. DODDS said, he had simply opposed a very bad Bill which the hon. Member for the Tower Hamlets had managed to persuade the House to read a second time.

Question put, and *negatived*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee, and *reported*, without Amendment; to be read the third time *To-morrow*.

#### PARLIAMENT—BUSINESS OF THE HOUSE.—OBSERVATIONS.

MR. W. H. SMITH said, he thought it would be for the convenience of the House to know that it was proposed to take the adjourned debate on the Supreme Court of Judicature Act (1873)

Amendment (No. 2) Bill and the Offences against the Person Bill on Monday next, and therefore the Committee on the Merchant Shipping Acts Amendment Bill would be postponed until the following Thursday.

#### CONSPIRACY AND PROTECTION OF PROPERTY BILL.

On Motion of Mr. Secretary Cross, Bill for amending the Law relating to Conspiracy and to the protection of Property, and for other *ordered* to be brought in by Mr. Secretary Cross, MR. ATTORNEY GENERAL, and SIR HENRY SELWYN-IBBETSON.

Bill *presented*, and read the first time. [Bill 204.]

#### ORPHAN AND DESERTED CHILDREN (IRELAND) BILL.

On Motion of Mr. O'SHAUGHNESSY, Bill to amend the Law relating to the relief of Orphan and Deserted Children out of Workhouses in Ireland, *ordered* to be brought in by Mr. O'SHAUGHNESSY, MR. DOWNING, and Major O'GORMAN.

Bill *presented*, and read the first time. [Bill 205.]

#### JURIES (IRELAND) BILL.

On Motion of Mr. SOLICITOR GENERAL for IRELAND, Bill to amend the Law relating to Juries in Ireland, *ordered* to be brought in by Mr. SOLICITOR GENERAL for IRELAND and SIR MICHAEL HICKS-BEACH.

Bill *presented*, and read the first time. [Bill 206.]

House adjourned at One o'clock.

#### HOUSE OF LORDS,

Friday, 11th June, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Metropolis Management Acts Amendment\* (145); Local Government Board's Provisional Orders Confirmation (Abingdon, &c.)\* (147); Local Government Board (Ireland) Provisional Order Confirmation (No. 2)\* (148).

*Second Reading*—Local Government Board's Provisional Orders Confirmation (No. 3)\* (127); Turnpike Roads (South Wales)\* (129).

Committee—Tramways Orders Confirmation\* (69).

Committee—*Report*—Public Stores\* (110); Public Health (Scotland) Provisional Order Confirmation (No. 3)\* (121).

*Report*—Inns of Court\* (140).

*Withdrawn*—Exeter Union of Benefices (58).



## TRANSPORT OF CATTLE BY SEA AND LAND.

## MOTION FOR A SELECT COMMITTEE.

EARL DE LA WARR, on rising to move for a Select Committee to inquire into the state of the law with regard to the transport of cattle by sea and land, said, he had hesitated at first to bring this question before their Lordships in the form in which he now submitted it, believing as he did that it would be sufficient to call the attention of his noble Friend below him to some cases of recent occurrence with reference to the transport of cattle which might have escaped his notice. But as on the former occasion when he brought the subject under their Lordships' attention, the Lord President seemed to dispute the accuracy of facts, some of which had been admitted by one of the Inspectors of the Privy Council at Deptford, and stated that he

"was not prepared to take any further steps in the matter or to make any regulations beyond those which at present existed;"

and, again, on a more recent occasion in their Lordships' House, he said that the Department over which he presided

"believed itself to be perfectly competent to manage the affairs intrusted to it without any assistance from without;"

and when he found upon further inquiry and upon the testimony of those who were most qualified to give an opinion that the cases to which he (Earl De La Warr) had referred were by no means isolated, but that there was a general want of the exercise of proper control and management in the transport of cattle, it seemed to him that the interests of the public, the interests of trade and agriculture, and the interests of humanity, after the painful revelations which had been made, required that some further steps should be taken, and that the best means would be to appoint a Select Committee of their Lordships' House. Being desirous of acting in concurrence with, and not in opposition to, his noble Friend, he proposed this course. He regretted to add that his noble Friend had given him to understand that he would strenuously oppose it: it remained, therefore, for him to lay before their Lordships as briefly as possible some reasons for

asking their Lordships to appoint a Select Committee to inquire into the state and operation of the law with regard to the transport of cattle. So far as he was able to learn, there was very little law bearing on the subject. This, perhaps, might partly be accounted for by the fact that the importation of foreign cattle in large numbers was of comparatively recent date. Previous to the year 1842 no foreign cattle were, he believed, imported — Irish cattle were brought to this country as early as 1759. But since 1842 large and increasing quantities had been imported, and in 1873 the number of Irish animals was upwards of 1,500,000 head, and of foreign animals upwards of 1,000,000 head. From time to time a certain amount of evidence had been adduced bearing upon the subject of the transit of animals—some before a Committee of the House of Commons in 1866. In the year 1869, in an Act having chiefly in view the prevention of disease among animals, certain clauses were introduced empowering the Privy Council to make Rules and Regulations with regard to the transport of animals; and in the same year (1869) a Report was made by Dr. Simonds, an officer of the Privy Council, which so well described the evils which then existed, and which so much corresponded with what was now happening, that, with their Lordships' permission, he would read a small portion of it. Dr. Simonds said—

"Speaking in general terms of the importation of animals, it may be affirmed that they suffer immensely from overcrowding, defective ventilation, and want of water and food. Competition between shipping companies leads to small rates being charged, and to make up for this as many animals as possibly can be crowded into a cattle boat will be by the owners of the vessel. The result of this is, and especially in rough weather, that animals which get down cannot rise, and are often trodden to death or so bruised and injured as to render it necessary that they should be killed either on board or immediately on the vessel coming into port. . . . The remedy for this evil of overcrowding would be found in the licensing of vessels for carrying only a given number of animals according to their measurement. . . . Limitation of the number on board would also have a certain amount of beneficial influence on the ventilation of the lower and middle decks. . . . Suffocation of animals is of common occurrence."

And, speaking of the Irish trade, Dr. Simonds added, "a great reform is

needed in the whole system." Now, he (Earl De La Warr) could not give an opinion whether or not the Privy Council had sufficient law in their hands to check existing abuses, but he thought he might say that practically there was proof that they had not, otherwise it could hardly be supposed that the ill-treatment complained of should have so long existed. What Dr. Simonds described in 1869 existed, as he would show their Lordships, in 1873, and what was going on in 1873 was still going on in 1875. Mr. James Odams, whose name he had before mentioned as speaking with great authority in these matters, said in 1873, speaking of Irish cattle—

"Train-loads of these leave Ballinasloe and other fairs for our south country markets in Essex, Norfolk, and Suffolk. On their arrival at Dublin the cattle are goaded into the hold of a vessel wild with excitement, and for 16 hours are compelled to inhale the most noxious gases. Landed at Holyhead in a heated condition, they have to wait the making up of trains to convey them a further journey of some hundreds of miles, occupying upwards of 24 hours, without bit or drop or interval of rest."

This was confirmed by the same gentleman in 1875, who said, in a letter dated the 7th of May last, with reference to what he had just read to their Lordships—

"You ask me if the state of things exists now as described in page 4 of my pamphlet. I have no hesitation in saying they do, and in an extended degree."

He (Earl De La Warr) would only mention one additional fact, of which he had been credibly informed—that such was the condition in which Irish cattle frequently arrived, bruised and ill-treated, that the price of the meat was often lower in the market in consequence. He could multiply other testimony; but he ventured to think that, after the facts which he on a recent occasion brought under their Lordships' notice, he had stated enough to show that the law was practically insufficient for securing the proper treatment of animals in transit, especially by sea. It was not his intention to enter into any detail with regard to the transport of animals by land, as he believed much had been done by Railway Companies to improve it; but should their Lordships grant the Committee it would doubtless form a subject of inquiry. He would now pass to the Rules and Regulations of the Privy

Council. Those, he believed, which were of any importance bearing on this subject derived their authority from the Act of 1869. The noble Duke would correct him if he was wrong. Now, it could not be denied that if the Regulations which had been made had been acted upon, they would have tended much to alleviate the sufferings of those unfortunate animals which were sent from one part of the world to another for the purposes of human food. He might give as an instance two Orders of the Privy Council, dated July 31, 1870—

"Places used for animals on board vessels.

1. Every such place shall be divided into pens by substantial divisions. . . . 4. Every such place, if enclosed, shall be ventilated by means of separate inlet or outlet openings of such size and position as will secure a proper supply of air to the place in all states of weather."

But the question was, whether these and such like Regulations were enforced? Were there proper pens in cattle vessels? Was there proper ventilation? Was there no overcrowding? And, he would ask, were the vessels duly licensed? Were there proper places for the cattle on landing? Was attention given to the mode of treatment of animals after they were landed? He regretted to say that the answers which he had received to these questions were chiefly in the negative; that, with few exceptions, there were no pens for cattle on board vessels; that ventilation was, in most cases, of the worst description; that there was no attention to the treatment of animals, either on board vessels or after they were landed; that the accommodation when they were landed was often bad and insufficient; that cattle vessels were not licensed; that, in many instances, they were not provided with food or water. Then, as regarded inspection, there was no doubt the Privy Council had considerable powers in this respect; but were they exercised with a view to the treatment of animals in transit by sea and land? He rather believed that the duties of the Inspectors had been very much confined to inspection with reference to disease. On this subject Mr. Odams said—

"The Privy Council exercise no power at any of the landing-places for cattle with regard to cruelty, feeding, or watering; the only duty they perform is examination as to disease and quarantine."

This statement was confirmed by Mr. Henry Martin, who was well known in connection with the Live Cattle Importation Company. He said—

"The Inspectors of the Privy Council do not examine into the accommodation provided in cattle ships, only looking into the condition of the animals themselves."

It did not appear that there were any travelling Inspectors. These were some of the reasons which had induced him to believe that, however good the Regulations of the Privy Council might be, they were not put in force in a manner to secure the principal objects for which they were intended. Then, the question of difficulties which arose in dealing with local authorities with reference to proper accommodation at landing-places seemed to be an additional argument in favour of Parliamentary inquiry. In many, if not in all instances, wharves where cattle were landed were in the hands of private persons; strangers were not admitted, and he was informed that officers of the Society for the Prevention of Cruelty to Animals obtained admission with difficulty. But there was another question which he could not pass over without notice, and which deeply concerned the interests of agriculture and the interests of the public generally—he meant the alarming extent to which diseased cattle were imported into this country—affecting the question of the use of diseased meat for human food, and as spreading disease throughout the country. The number of imported foreign cattle increased, and was likely to continue to do so, and he could not conceive a more important subject for their Lordships' consideration. Many of their Lordships were doubtless aware that there was a Cattle Market at Deptford, but it might not, perhaps, have come to their Lordships' notice that that Market was solely for the purpose of receiving diseased cattle, which, if not too much diseased, were slaughtered and sent away to be bought and sold for human food. This Market had recently been established—he believed within the last three years—for that purpose. Was this a system which ought to be continued? If we must import cattle, surely we ought to see that they were healthy cattle, instead of encouraging the import of diseased animals? He was struck with reading in *The Times* of Thursday a proclamation of the Government of

*Earl De La Warr*

New South Wales prohibiting the importation of stock from any other colony where disease exists. There was surely wisdom in that; and should we continue in this country, not only not to prohibit the importation of diseased stock, but actually to provide a market for its reception? He feared he might have wearied their Lordships, and he must now leave the matter in their Lordships' hands. It had met with no little sympathy outside the walls of that House, and he felt confident it would meet with no less within. It was hardly possible to estimate the amount of suffering and the amount of loss which might or might not result from the course which their Lordships might pursue in the case of the thousands of animals which were continually imported from Ireland and foreign countries, and he ventured to hope the noble Duke would not oppose an inquiry which could not result otherwise than in the public good, and at the same time tend to awaken the public conscience to a sense of the duty of a proper treatment of animals, which, it was to be feared, had been often too much neglected and forgotten. He begged to move the appointment of a Select Committee to inquire into the subject.

*Moved* that a Select Committee be appointed,

To inquire into the state of the law with regard to the transport of cattle by sea and land:

To inquire into the rules and regulations of the Privy Council, with special reference to the methods of transport now adopted:

To receive evidence with reference to such alterations of the law as may be deemed advisable, and to report upon it.—(*The Earl De La Warr.*)

THE DUKE OF RICHMOND said, that before addressing himself to the Motion of his noble Friend behind him (Earl De La Warr) he wished to take this opportunity of making a few remarks with regard to a statement made by his noble Friend on a former occasion, when he brought forward a somewhat similar subject. He must express his regret that on that occasion he did not recognize the case spoken of by his noble Friend as one which had been brought forward by Mr. Hall—a case in respect of which he had ordered that a special inquiry should be made at Liverpool. The result of that inquiry had been that some alteration had been made in the system of inspection at that port. Their

Lordships must not lose sight of the fact that in Liverpool the docks were of enormous length—he was informed that they were six miles in length—but he had made a proposition to the authorities at Liverpool which he believed would meet the necessities of the case. This was that healthy animals forming part of a cargo in which there were diseased animals should be driven to a slaughtering place in charge of an officer, so that they might be slaughtered almost immediately after they were landed. With regard to a statement of Mr. Odams quoted by his noble Friend, he hoped to show to their Lordships that the representations of that gentleman as to the deficiency of inspection and the treatment of animals were scarcely borne out by the facts of the case. His noble Friend had also quoted the statements of a gentleman named Rose, to the effect that sheep forming part of a diseased cargo had been allowed to go into the market. To that allegation he must give a direct contradiction. An inspection of the monthly Returns of cattle brought into this country would prove to any person that such a state of things could not have existed. He was very sorry to disagree from his noble Friend, and to say that no inquiry such as that which he moved for was at all required. He said so on the ground that all the information which their Lordships could require on the subject had already been acquired at a very recent date, and that the rules and orders in force now were sufficient for the purpose; and that, even assuming they were not, the Privy Council was already invested with ample powers to enable them to issue rules and orders which would be sufficient. As to the inquiry by a Committee of the House of Commons in 1866 to which his noble Friend had alluded, his noble Friend had not given the Reference to that Committee. That Committee was appointed—

“To inquire into the manner in which the home and foreign trade in animals by sea and railroad was conducted, and to report what regulations, if any, should be enforced with a view to the treatment of animals in transit, and other matters.”

With regard to the recommendations of that Committee, a great number of them had been carried out. In 1869 the Contagious Diseases Act was passed, and by Clause 76 of that enactment large powers

were given to the Privy Council to make orders and regulations in respect to the points which his noble Friend had brought under the notice of the House. The Department had availed itself of the provisions of that section by ordering that food and water should be provided for the animals at the landing places. To ensure that they had food and water during the passage would make it necessary that an Inspector should be on board the ship in which cattle were conveyed; but, inasmuch as some of these vessels were foreign, it would be impossible for the Privy Council to enforce such an arrangement. Pens had been provided at the landing places. But after the Contagious Diseases Act passed in 1869, a Committee was appointed by his noble Friend the late President of the Council (the Marquess of Ripon) to inquire as to how the provisions of that Act were being carried out. His noble Friend was in error when he said that the Committee so appointed was composed of four gentlemen, all connected with the Privy Council Office. The Committee was presided over by his lamented friend Sir Arthur Helps, whom everybody who had the pleasure of his acquaintance knew was a most humane man, and one who was devoted to kindness towards animals, Mr. Goulburn, the Chairman of the Customs Board, Mr. Farrer, Secretary to the Board of Trade, and Dr. Alexander Williams, Physician to the Privy Council. A stronger Committee for the purpose could not have been named, and this was the Reference to that Committee—

“The Committee are to report to the Lord President of the Council on or before the 1st of November, how, in their opinion, the before-mentioned powers are to be exercised, both with regard to the humane treatment of animals, and the bringing of animal food to market in the most fit state for human consumption.”

A great number of witnesses were examined by that Committee—witnesses connected with the steamboat companies, witnesses connected with the railway companies, witnesses connected with consignors, witnesses connected with consignees, and independent witnesses, many of whom were well acquainted with the cattle trade. One of the first branches of the subject to which the Committee applied itself was that in respect of which his noble Friend said he had nothing to complain—namely, the transit of animals by land.



EARL DE LA WARR observed, that he had only gone the length of saying it was much improved.

THE DUKE OF RICHMOND said, he had understood his noble Friend to say that as regarded the transit of animals by land there was nothing to complain of. He thought, however, that it was desirable he should refer to some passages in the Report of the Committee of 1870; because if he did not do so, after the charges that had been made, it might be supposed that the steamboat companies, the railway companies, and the Privy Council in the present Government and the last one, had all neglected their duty, and he did not think that would be found to have been the case. In the earlier portion of the Report the Committee stated—

“We are happy to be able to report that we have found the arrangements made under this head better than we expected, and far better than the public in general, who are influenced by articles that occasionally appear in the public prints, have been led to believe.

“Taking a general and comprehensive view of this branch of the subject, we can report that there is not much fault to find with the accommodation afforded on board the vessels engaged in the foreign trade.

“The evidence goes to show—

“1. That, as a rule, the foreign-going vessels are tolerably well fitted and ventilated; are regularly cleansed after each voyage, but not often disinfected;

“2. That water almost invariably, and food occasionally, is carried for the use of the animals; and—

“3. That, except in occasional instances (where the mischief has generally cured itself by the consequent refusal to send cattle by the vessel in which the overcrowding has occurred), they are not, as a rule, overcrowded.

“Evidence has also been given—

“4 That screw steamers are not so well suited as paddle steamers for the conveyance of animals, owing to the far greater tendency to roll at sea;

“5. That the best class of vessels are those that ply to London, Liverpool, and Newcastle, from Germany, Holland, Schleswig-Holstein, Portugal, and Spain;

“6. That some of the most inefficiently fitted vessels ply to Hull;

“7. That the vessels in the coasting trade (from Ireland) are not generally so well fitted as in the foreign trade; and—

“8. That the best vessels in this trade appear to be those that ply between Dublin and Holyhead. Some of the boats that ply from Dublin and other ports on the eastern coast of Ireland to Great Britain are also tolerably well fitted, while the worst appear to be those that run from Sligo to Liverpool and Glasgow.”

As to the treatment of the animals which his noble Friend said were so bruised

and injured that their deaths from suffocation was a matter of almost every day's occurrence, he asked their attention to this statement in the Report of the Committee—

“We see by this Return that in the foreign trade the General Steam Navigation Company, trading between London and the foreign ports of Hamburg, Rotterdam, Antwerp, Boulogne, Tonnin, and Geestemunde, have lost, from all casualties, only 175 animals out of 57,318; that the boats of Messrs. Bibby and Co., trading between Liverpool, Spain, and Portugal, have lost only seven animals out of 5,479; and that the Leith, Hull, and Hamburg Company have lost 165 out of 99,069; while in the coasting trade from Ireland, the London and North-Western boats, which run between Dublin and Holyhead, have lost but 28 animals out of the large number of 340,849, and the Dundalk Company, which trade with Liverpool, out of 53,733 animals have not lost a single one.

“We also annex in the Appendix a Return for the year just concluded (1869) of the losses incurred in the conveyance of animals into the port of London (including Thames Haven) from foreign ports. From this Return it appears that out of 590,668 animals brought by all the different companies, only 2,522, or 4 per cent, have been either landed dead or destroyed after landing, on account of injuries sustained during the voyage.”

If these figures were correct, or anything like it, what became of the allegation that the deaths by suffocation were so frequent as to be a matter of almost every day's occurrence? His noble Friend suggested that vessels carrying cattle should have to be licensed for that purpose. If his noble Friend reflected for a moment on that suggestion he would see it would be impossible to carry it out, seeing that we had to deal with so large a number of foreign vessels engaged in the cattle-carrying trade. He doubted whether, if any such regulation could be put in operation, the Government would not have complaints from a very large class in this country—namely, the consumers of animal food—complaining of the regulation on the ground that its effect was to restrict the importation of cattle. The Report went on to state:—

“In Great Britain we have found, as far as our inquiries have extended, that the accommodation for landing foreign animals is generally fair; in some places, and especially in London, very good. Of the landing-places approved for the foreign trade in London, the two most frequented (Brown's Wharf and Thames Haven) have been represented to us as organized and arranged in a very creditable manner. There is also good landing accommodation for foreign animals at Liverpool, Hull, Harwich, and Newcastle.”

This brought him to a remark of his noble Friend on the subject of the Deptford Market, which the noble Earl had described as a market set apart specially for diseased animals. That was not correct. The market at Deptford was one for animals coming from scheduled countries. It did not follow that all cattle coming from those countries were diseased, but, coming from scheduled countries, the animals must be landed at the Deptford Market and slaughtered there. As to what had been done at the railway stations, he would quote two short passages from the Report—

"That since the passing of the Contagious Diseases (Animals) Act, 1869, and the issue of Mr. Help's letter to the companies, water and watering accommodation have been supplied, or are in the course of supply, at all the principal stations on all these lines where cattle are received."

Again—

"That water is at present provided at the arrival stations of all the lines in London, and at some of the stations where animals are received. Food may be procured at most of the stations and at the arrival stations, if the owners of the animals require it and are prepared to pay for it."

With reference to a suggestion of his noble Friend, to which he had already alluded, there was a passage in the Report so appropriate that, with their Lordships' permission, he would quote it—

"The first consideration, as to both sea and railway traffic, is the caution that must be exercised to avoid by any hasty or ill-considered conclusion the danger of diminishing the supply of animal food, or raising its price to the consumer, by restricting importation (whether from foreign ports or from Ireland), or impeding the rapid communication between the places where the animals are bred, the cattle-markets, and the great centres of consumption in this country."

"The next point that we are obliged to keep in view as to the sea traffic is the risk of driving many cattle vessels out of the trade by the imposition of arbitrary rules, or of transferring the carrying of animals from British to foreign bottoms."

That was a very important matter to be considered. He now came to another portion of the Report—namely, that which referred to regulations for vessels engaged in the cattle trade. The Committee stated—

"Again, we have necessarily had to consider the fact that some of the vessels which now bring cattle to this country sail under a foreign flag. It may, indeed, be practicable, consistently with international law and practice, to place these

vessels under the same conditions on arrival in British ports as British vessels, and even (though there might be difficulty in this) to require the same fittings. But without international arrangements it would be impossible to enforce, by penalties, regulations the breach of which is committed under a foreign flag on the high seas. Even, therefore, if the difficulty of enforcing very stringent regulations, to be carried into effect on the voyage, upon British vessels can be got over, such regulations could not be enforced on their foreign rivals, which, according to the evidence before us, require regulations still more than the majority of the British vessels.

"We are satisfied that, as a general rule, the condition of animals brought into our markets, both from abroad, from Ireland, and by inland transit, is good."

"We have received satisfactory evidence that with respect to Irish cattle, their condition has of late years very much improved."

He now came to certain recommendations made by the Committee. They were—

"1. All the space used for carrying animals shall be divided into pens by substantial divisions; each pen shall not exceed 9 feet in breadth or 16 feet in length."

"2. The floors in each pen shall be provided with battens or other footholds, and ashes, sand, sawdust, or other suitable substance shall be so strewed on the floors of the pens, and on the decks and gangways, as to prevent the animals from slipping."

"3. Every space on deck in which animals are carried shall, from the 1st of November to the 1st of May, be protected from weather."

"4. If the animals are carried in an enclosed space, provision shall be made for its proper ventilation by separate inlet and outlet openings, of such size and position as will secure a sufficient supply of air in all states of weather."

"5. Every vessel, or the parts of it, used for carrying animals, shall be cleansed and disinfected in such a manner as may be from time to time prescribed by the Privy Council."

"6. Whenever any of these regulations are infringed the owner or master shall be deemed to be the person acting in contravention of these regulations, under Section 103 of the Contagious Diseases (Animals) Act, 1869."

Most of these recommendations had been carried out by orders issued by the Department. The suggestion that ashes or sawdust should be strewn on the floors of the pens had not been carried out, because it had been found that there were practical objections to it. Subsequently, in 1873, another Committee was appointed—a Committee of the other House of Parliament. It was a very strong one, and was presided over by his right hon. Friend Mr. Forster. In its Report that Committee made this statement—

"The Orders of Council relating to the transit of animals, both as regards disinfection and the

prevention of cruelty and suffering, appear to be well adapted for their purpose, but your Committee are of opinion that such orders cannot be satisfactorily carried out without inspection from time to time by the officers of the central authority of vessels engaged in the Irish and coasting, as well as in the foreign trades, and also of railways, lairs, markets, and fairs; and that a sufficient number of travelling inspectors should be appointed and employed by the central authority to give effect to such orders."

The Report from which that was an extract was drawn up in 1873; and last year he (the Duke of Richmond), as President of the Council, made an addition of 10 to the number of Inspectors, and appointed one whose duty was that of travelling Inspector. He visited all the ports in the country at which cattle were landed, and all the railway stations, to see that the regulations made by the Privy Council were duly carried out. Reports were received almost daily from the Inspectors, and in no case was a non-compliance with the orders passed over. As very few complaints were made, he believed that the regulations had been found sufficient for the purpose in view. His noble Friend (Earl De La Warr) must remember that the primary duty of the Inspectors was to prevent the introduction of diseased cattle into this country; but if, in the course of their inspection, they observed any acts of cruelty, they invariably communicated with the Society for the Prevention of Cruelty to Animals, which had its own Acts, and proceeded against the parties charged with the cruelty. He had referred to the Board of Trade, and asked them for information on the subject. His noble Friend opposite (Lord Carlingford) would bear him out when he said that the transit of cattle, both by land and sea, must come very much under the notice of that Department, and the opinion of Mr. Calcraft, the head of the Railway branch, and of Mr. Gray, the head of the Marine branch, was that they had no reason for believing that there was any necessity for further inquiry, whether as to the transit of animals by land or their transit by sea—the Orders of the Privy Council appeared to be carried out: at all events, no complaints were brought before the Council which led them to think there was any occasion for further inquiry. He did not undervalue the great importance of the question, nor did he blame his noble Friend for bringing it forward. No one

would be more desirous than he himself would be to put down all cruelty to animals; but, after the best examination and consideration he could give the subject, he felt there was no ground for another inquiry. There was a full and ample inquiry in 1866; an Act was passed in 1869; there was another inquiry in 1870; and again a Committee went very fully into the subject in 1873. Under these circumstances, he thought he might almost say it would be a waste of time and an unnecessary diversion of their Lordships' labour to have a Select Committee of their Lordships appointed to take evidence which was already accessible in the Reports of the Committees which had already so thoroughly investigated the subject. For these reasons he must decline to accede to the Motion of his noble Friend.

LORD CARLINGFORD said, the noble Duke had satisfied him, and he thought had satisfied their Lordships, that whatever else might be wanting in this matter it was not inquiry. Without dwelling on the two investigations which had been conducted in recent years by Select Committees of the House of Commons, he could himself answer for it that the departmental inquiry described by the noble Duke had been of the most thorough-going and valuable kind—one in which the eminent persons who had charge of it took the greatest pains, and arrived at their resolutions and recommendations after receiving the evidence of witnesses who spoke from every point of view. Now, nothing could be more provoking, or trying to one's patience, than to feel, when serving upon a Committee, that one was travelling, without reason or necessity or benefit, over ground which had already been amply traversed by able men, and that the results of the labours of those men were already consigned to a premature burial. Instead of pressing for further inquiry, the object of the noble Earl and of those who took a humane interest in this matter would be much better served by calling the attention of the Government as occasion arose to the facts which came to their knowledge—to urge them to carry into effect the existing law, or, if the present regulations were insufficient, to strengthen them. In one respect, judging from the statement of the noble Duke, the existing system seemed to be imperfect. He

should like to know whether the Government had no power to take proceedings against persons for cruelty to animals in transit? It appeared from the statement of the noble Duke that when an Inspector for cattle disease found reason to believe there had been cruelty he merely reported the matter to a private society which existed for the prevention of cruelty to animals. If the officers of the Government had not themselves the power of prosecuting, there was here a deficiency in the regulations.

THE DUKE OF RICHMOND explained that, though cases were reported to the Society for the Prevention of Cruelty to Animals, there might be prosecutions carried on under the existing orders of the Privy Council.

VISCOUNT PORTMAN said, that while glad that the noble Duke had resisted the appointment of a Committee, and though convinced that the powers now possessed by the Privy Council were ample, he desired to point out that inspection at the ports was not sufficient, inasmuch as the symptoms of disease brought about by unsatisfactory condition of sea transport might not be discoverable till the cattle had been for some time on land. His own experience was that symptoms of disease appeared in cattle after they had passed the most careful inspection, and while they were in transit over the country. The cattle bought in Ireland were in good health. They were driven to the port, put into a ship, had no food or water, were thence driven to the market at Bristol, showed no outward sign of disease, were sent on by rail, generally in a dirty truck, had no food or water for, perhaps, 24 hours, then were scattered to farmers. The latent fever was soon developed. Foot and mouth disease ensued as the consequence of the fever, and that disease spread all around. But 99 out of every 100 recovered if carefully fed. The only alternative was to slaughter the cattle on their being landed, but that would be a great mistake, as although the cattle lost condition for a time, they recovered their health and were as valuable as before the illness. The case of pleuro-pneumonia was different, but equally difficult to discover at the port of landing.

LORD DUNSANY hoped the Motion would not be pressed to a division, but

believed there was great benefit derived from ventilating such a subject. He suggested that there ought to be an inspection of cattle during their transport both by steamer and by rail, and for this purpose some of the Inspectors should have a roving commission.

EARL DE LA WARR, in deference to the feeling of the House, desired to withdraw his Motion. He explained that his argument had been, not that the regulations were inadequate, but that they were not sufficiently enforced.

Motion (by leave of the House) *withdrawn*.

#### EXETER UNION OF BENEFICES BILL.

(*The Lord Bishop of Exeter.*)

(NO 58.) SECOND READING.

Order of the Day for the Second Reading, read.

THE BISHOP OF EXETER, in moving that the Bill be now read the second time, explained that the object of the measure was to facilitate the union of various small benefices in the city of Exeter. The population of the city of Exeter was now about 12,000, which was distributed over 17 parishes or precincts. Of these parishes, three were of a fair size—one containing 3,000 inhabitants and the other two some 1,300 or 1,400 each; but the main part of the population was distributed among the remaining 14 parishes, which were very small. The result was that the clergy of these small parishes were ill-paid, their incomes averaging less than £150 per annum, without a house; that the churches were small, out of repair, and not adapted for the purpose of worship; and that the ordinary parochial work, such as that of education, was badly carried out. The only remedy for such a state of things was to club the smaller parishes together, so as to make parishes that could be worked as separate independent units, while the clergymen would be better paid and would have more work to do. The plan suggested by the Bill was, that where the Bishop of the diocese thought an union of benefices would be of an advantage, he might issue a commission under his hand and seal, which should be empowered to make careful inquiries into the extent and condition of the various parishes, and report to the Bishop their opinion as to the expediency of the proposed



union and the terms in which it ought to be effected. The Bishop being so advised would draw up proposals for a scheme, which, with the written consent of the patrons, would be transmitted to the Ecclesiastical Commissioners. The Commissioners would thereon propose a scheme, and certify to Her Majesty in Council; whereupon Her Majesty might make the necessary Orders for effecting the union. New churches might be erected, and old ones pulled down; but the sites of the old churches were not to be sold without certain consents, and without due provision for the removal of the remains of persons interred thereunder. Provision was also to be made for the transfer of lectureships, for compensation to officers displaced; but the font, communion table, plate, and church ornaments were not to be sold, but if not needed for the new church, they were to be transferred to some other church or chapel within the diocese at the selection of the Bishop. It having been pointed out to him that the Bill did not provide sufficiently for the parishes to be affected having a voice in the matter, he should have no objection to amend the measure in that respect in Committee, so as to enable such parishes to appoint one member of the Commission, and to enable any person affected by the Bill to be heard before the Commission. He would not object to insert in the Bill a provision to the effect that the church accommodation in the united parishes should not be diminished by their union, or of a clause to secure to all persons interested a right to be heard before the Commissioners. To one clause of the Bill he desired to draw attention. He alluded to Clause 14, which related to "Dominicals," to which the clergy were entitled. They were small payments due on inhabited houses, and were exceedingly difficult to collect. If they were surrendered, the clergy would be giving up rights of their successors, while to enforce them placed the clergy in a very invidious position, and proceedings for their recovery had more than once caused serious rioting. He had no doubt that the "Dominicals" were a legal payment; but, at the same time, they were in many respects a very inexpedient form of payment for the clergy, and it was very desirable that they should be commuted or redeemed, and that in the cases in which they had not been exacted

they should be extinguished. There were 14 benefices directly affected by the Bill. Of these, the clergy of four objected to it, those of eight were in favour of it, one of the remaining two was only just appointed, and the other was neutral in the matter. Lay feeling in the diocese he believed to be in favour of the Bill, and the mayor and town council of Exeter had petitioned all but unanimously in support of it. He confessed he should be glad to see the Bill passed during the present Session, but could scarcely hope that such would be the case at this period of the Session. He trusted, however, the provisions of the measure would be discussed in Committee, so as to guide him as to the form in which such a Bill would be most likely to meet with acceptance at a future time.

*Moved, "That the Bill be now read 2<sup>a</sup>."*

*—(The Lord Bishop of Exeter.)*

THE LORD CHANCELLOR hoped that the Bill would not be further pressed—more especially as the right rev. Prelate admitted that he had very little hope of its becoming law during the present Session—for the measure, though one of professedly a local character, was one of an extremely grave character. As regarded the wants of the city of Exeter the Bill gave no information whatever, and he thought it would have been satisfactory had some necessary information been given in a Schedule. There could be no doubt that there were in Exeter a number of small and poor benefices, but, as the city was increasing in size and prosperity, he should have thought that it would be better, in many cases, to endeavour to augment the emoluments of those benefices than destroy their identity. He wished, too, to point out that if the five Commissioners to be appointed—three of whom were to be clergymen and two laymen representing the corporation—reported in favour of union, and the Bishop agreed in the report, there would be no means of stopping the proposed union. The Ecclesiastical Commissioners, to whom the report would be sent, would have no option in the matter, and the assent of Her Majesty in Council would be given as of course, as in the case of any Bill which had passed the two Houses of Parliament. There were serious differences between the metropolitan Act

for the union of benefices and the present measure. The consent of the vestry and of the incumbent to the union, and the consent of the Archdeacon to the sale of the site of the church, were required in the case of the metropolitan Act, and the scheme had to be laid before Parliament. All these conditions, together with the appeal to the Bishop, were omitted from the present Bill. He understood that in the city of Exeter itself there was by no means a general unanimity of opinion in favour of the measure, and the Government wished to keep themselves unpledged until the matter had received further consideration. The object of the Bill might be very desirable, but he put it to the right rev. Prelate whether it was desirable to press it forward during the present Session. It was impossible to legislate in this way for one particular part of the country.

THE ARCHBISHOP OF CANTERBURY thought that his right rev. Brother had done good service by calling attention to this subject, although he agreed with the Lord Chancellor that the House could not well legislate for one town alone. The Bill which he had the honour to propose in 1860, and which becoming law had since regulated the union of benefices in the metropolis, dealt as originally proposed with the towns and boroughs generally in England. The old title of the Bill showed that it applied to the country generally, although in its passage through Parliament its operation was restricted to the metropolis. Although the Act had not been vigorously enforced, it had done good service during the 15 years in which it had been in existence. It had united various benefices without any disturbance of the sacred associations connected with the churches and churchyards of the metropolis, and if the right rev. Prelate would introduce the same sort of safeguards which were provided in the metropolitan Act he would have a better chance of passing his measure—although he would not have him follow the lines of that Bill too servilely. The parishioners in vestry assembled had a right to be heard, but vestries were sometimes ruled by vestry clerks whose interests were suffered to be adverse to improvements of this kind. He believed that, from some causes which were not very easy to ex-

plain, there were in Canterbury, York, Norwich, and other cities a number of small churches far in excess of the wants either of the former or present population, and the efficiency of the Church in those cities was very much hampered by the want of life in those parishes and the smallness of the incomes of the incumbents. For the reasons he had given, he trusted it was not altogether in vain that his right rev. Brother had called attention to the necessity of doing in Exeter and other places what had been done in London.

THE EARL OF DEVON rose to express a hope that the right rev. Prelate (the Bishop of Exeter) would be disposed to consider the suggestions which had been made by the noble and learned Lord on the Woolsack. This Bill did not contain by any means the provisions that were necessary for ascertaining the wishes of many of the parties concerned; still less did it sufficiently guard the power of dealing with the sites of churches and with graveyards, which was a matter seriously affecting associations which we were bound to respect. He would not say that in every case consecrated ground should be for ever kept apart from public use: for he believed there were many cases in which sanitary and public improvements rendered it necessary that such sites should be given up. The Bill afforded another proof of the exertions which the right rev. Prelate was making for the good of the diocese; but for the present he trusted that the suggestion to withdraw it would be acceded to.

THE EARL OF POWIS said, he believed that, if the right rev. Prelate would give up that part of the Bill dealing with churches and churchyards, he could effect everything he could reasonably desire under the existing law. In the metropolitan Act the power of selling churchyards was carefully guarded and restricted, although the great value of land increased the temptation to appropriate them; and, in fact, it was restricted to church sites in which burials had not taken place; and if the right rev. Prelate would be content with the limitations of the metropolitan Act he would remove many of the objections to this Bill, and he would get rid of the necessity for the expensive machinery of a special commission of inquiry. Under the present law, the only restriction

upon the union of benefices was that of population; and there being no insuperable difficulty in the re-arrangement of patronage in Exeter, as most of it belonged to the Bishop and Chapter, it would be easy to reduce the number of benefices from ten to five. It appeared, however, that the object of resorting to a commission under the Episcopal seal, as proposed by this Bill, was to save the City of Exeter the trouble and cost of a Provisional Order, which was required for the purposes of local improvement. The consent of the clergy could hardly have been obtained to the introduction of the Bill when the Rural Dean and Chapter stated in a Petition, adopted with one dissentient, that they learnt of the existence of the Bill only a few days before it was set down for a second reading. It was scarcely fair to introduce such a Bill without previous communication with the clergy.

LORD COLERIDGE said, he was quite sure that some Bill of this kind was exceedingly desirable. It was evident from the number of parishes in Exeter that they were not large enough for the exercise of the activity of vigorous clergymen, and the only way of enabling Church work to be done effectively was to carry some measure of this kind. Experience of the measure relating to the metropolis had disclosed the enormous number of consents necessary for the carrying out of any scheme; and he believed that in 15 years only two unions of benefices had been effected under it, and the limited operation of the Act was, no doubt, owing to the great number of consents that were required.

THE BISHOP OF EXETER said, he was thankful for the suggestions he had received from various quarters with reference to this subject. After what had been stated by the most rev. Primate and by the noble and learned Lord on the Woolsack, he felt it would be very unwise to press forward the Bill in the present Session, both because of the resistance it would encounter and also because he had some hope that a measure would be introduced next Session dealing with the subject on some general principle.

Motion and Bill (by leave of the House) *withdrawn*.

*The Earl of Powis*

#### LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION (ABINGDON, &c.)

BILL [H.L.]

A Bill to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Abingdon, Basingstoke, the Districts of Bethesda, Bognor, Bournemouth, and Colne, and Marsden, the Borough of Derby, the Districts of Ebbw Vale, Gildersome, Heaton and Isleworth, Hitchin, Malvern, Newport (Monmouth), the Runcorn Union, Sandown, the Sevenoaks Union, and Thornhill—Was *presented* by The LORD PRESIDENT; read 1<sup>a</sup>; and *referred* to the Examiners. (No. 147.)

#### LOCAL GOVERNMENT BOARD (IRELAND) PROVISIONAL ORDER CONFIRMATION (NO. 2)

BILL [H.L.]

A Bill to confirm a Provisional Order made by the Local Government Board for Ireland relating to Coleraine—Was *presented* by The LORD PRESIDENT; read 1<sup>a</sup>; and *referred* to the Examiners. (No. 148.)

House adjourned at a quarter before  
Eight o'clock, to Monday next,  
Eleven o'clock.

### HOUSE OF COMMONS,

*Friday, 11th June, 1875.*

MINUTES.]—SUPPLY—considered in Committee  
—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS.—First Reading—Church Patronage\* [207]; Chimney Sweepers\* [208].

Committee—Infanticide [43]—R.F.

Third Reading—Chelsea Hospital (Lands)\* [193], and passed.

#### PUBLIC HEALTH—SMALL-POX IN IRELAND.—QUESTIONS.

MR. KIRK asked the Chief Secretary for Ireland, If his attention has been directed to the Registrar General's Reports of the deaths from small-pox in Ireland during the quarter ending the last day of June 1874, which amounted in the aggregate to 123, chiefly, if not wholly, amongst those who have not been vaccinated; whether it is true that of this number 123, no less than 109 occurred in the province of Ulster alone, where this disease is not considered epidemic, as in many instances it was imported from Scotland by the arrival of paupers from that country while labouring under this malady; and, if it is his intention to bring forward a measure to protect sick Irish paupers, and prevent

the spread of contagious diseases, by preventing Poor Law Guardians on this side of the Channel from deporting to Ireland Irish paupers who may be forced in consequence of ill-health to seek assistance in the workhouse?

**MR. M'LAREN:** I wish to put a supplementary Question to the right hon. Baronet, arising out of the Question whether he knows that the disease had been caused by the importation of paupers from Scotland? In the Question put by the hon. Member he makes this assertion—"In many instances it was imported from Scotland by the arrival of paupers from that country while labouring under this malady." Then, in the next paragraph, he goes on to ask the right hon. Baronet, if he will bring in a Bill to prevent diseased paupers from being so sent to Ireland. With the permission of the House, I would ask the right hon. Baronet, Whether he knows that the disease has been so propagated in Ireland by the sending over of paupers from Scotland; and, if he knows any instance, whether he will give the names of the Poor Law Guardians by whom they were sent over, so that an investigation may be made in Scotland into the facts of the case?

**SIR MICHAEL HICKS-BEACH:** As I understand the Question of the hon. Member for Louth, it does not contain an assertion, but is a Question to me whether a certain statement is true. My attention has been directed to the Report of the Registrar General on this subject, and I believe the figures quoted in the first part of the Question are correct. I cannot, however, say positively that the deaths occurred chiefly, if not wholly, among those who had not been vaccinated. I believe of the 123 deaths, 109 occurred in the province of Ulster, where the disease is not considered epidemic, and that in many instances the disease has been imported from Scotland; but I have no knowledge whatever, and I have been unable to obtain information whether, in regard to those cases imported from Scotland, the persons importing the disease were paupers or not. It is possible they may have been; but the fact has not been brought to my knowledge, and I can give the hon. Gentleman no information on that point. With regard to the last paragraph of the Question, I may say that the Irish Government have

no control over Poor Law Guardians on this side of the Channel, and I do not think it part of my duty, as the Representative of the Irish Government, to introduce any measure dealing with them.

#### COAL MINES—BUNKER'S HILL EXPLOSION.—QUESTION.

**MR. MACDONALD** asked the Secretary of State for the Home Department, If his attention has been directed to the Report of the Bunker's Hill Colliery Explosion, published on Wednesday the 9th of June, where it is stated the only reason for "the change from wedging to blasting in that colliery was to increase production and lessen cost;" and, whether he will, on the part of Her Majesty's Government, bring in a Bill this Session for the suppression of the use of blasting powder in mines; or, if the use is to be continued, to regulate it so as to prevent risk to human life?

**MR. ASSHETON CROSS,** in reply, said, that his attention had been called to the Report of the Inspector of Collieries on the Bunker's Hill Explosion. It was not, however, the intention of the Government to bring in any measure such as that alluded to in the Question of the hon. Gentleman. Such a measure would, he believed, be acceptable neither to the colliery owners nor to the workmen. Certain powers were, however, already given by the Mines Regulation Act, which would enable rules to be framed for the purpose of regulating the use of the powder, and it might be wise to adopt the suggestion which was acted upon in many places—that the blasting of mines, when dangerous, should be carried on between shifts, so that the amount of danger might be reduced to a minimum. The subject was at the present moment under the consideration of the whole body of Inspectors, and he hoped before long to receive their joint recommendation with respect to it.

#### SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL. QUESTION.

**MR. O'SHAUGHNESSY** asked the Chief Secretary for Ireland, Whether his attention has been called to a statement contained in the "Freeman's Journal" of the 8th instant, that a certain suggested compromise on the



Sunday Closing (Ireland) Bill has come from the Government, and that the promoters of the measure are willing to accept it; and, whether it is true a compromise on the subject between the Government and the supporters of the Bill has come from or been accepted by the Government: and, if so, whether he is prepared to state the terms of such compromise to the House?

SIR MICHAEL HICKS-BEACH, in reply, said, his attention had been called to the statement in question, and to others which purported to give an account of certain matters which had been discussed in a Cabinet Council recently held, as well as the views of different Members of the Cabinet on those subjects. Now, if he might venture to make a suggestion to the hon. Member, it would be that he should not place too implicit confidence in the statements made by certain correspondents of Irish newspapers, more especially as those statements, he perceived, not unfrequently contradicted one another. There was, he might add, no truth in the statement to which the hon. Gentleman referred that any compromise had come from or been accepted by the Government on the Bill in question.

#### JESUITS IN ENGLAND.—QUESTION.

MR. WHALLEY: Sir, it is with very great regret I rise to put the Question of which I have given Notice, because—[“Order!”]—my object in making this preliminary statement is to secure for my Question fair consideration—[“Order!”]—because I understand the right hon. Gentleman has complained of the frequency of my Question—[“Order!”] Only one word more. I can assure the right hon. Gentleman that my only object is—

MR. SPEAKER: The hon. Member has given Notice of a Question. Any debate upon it would be quite out of Order.

MR. WHALLEY: I beg then to ask the Secretary of State for the Home Department, with reference to the statement of the First Lord of the Treasury, that the laws for expelling Jesuits would be put in operation if occasion require, Whether he is aware that great numbers of Jesuits expelled from other countries have lately resorted here for the avowed purpose of making England

the centre of their operations generally, and of subjugating the British Empire to the policy of the Papacy; and, whether, having regard to the widely-spread feeling that the Tichborne case is an instance of Jesuit intrigue or conspiracy, as expressed in Petitions by about 300,000 persons to this House, it is not expedient to publish the documents and evidence which have been sent to him, or to permit the same to be seen by Members of this House, so far as the same may tend to throw light upon this point?

MR. ASSHETON CROSS: Sir, in answer to the Question of the hon. Gentleman—and I must say that I do not quite see the connection between the answer of my right hon. Friend and the Question—all I can say is that I have no information at the Home Office—

“That great numbers of Jesuits expelled from other countries have lately resorted here for the avowed purpose of making England the centre of their operations generally, and of subjugating the British Empire to the policy of the Papacy.” If any have that intention, all I can say is, that from my own knowledge they might save themselves a great deal of trouble, for they would be entirely unsuccessful. With regard to the latter part of the Question of the hon. Gentleman, all I can say is that I have already stated to the House that I do not think that any public advantage could possibly be gained—quite the contrary—by laying these documents on the Table of the House, and I am still of the same opinion.

MR. WHALLEY: Will the right hon. Gentleman be good enough to answer the latter part of my Question?

MR. ASSHETON CROSS: I have given that answer more than once already.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair.”

#### LAND TENURE IN IRELAND.

##### RESOLUTION.

MR. BUTT, in rising to move—

“That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to issue Her Royal Commission to such persons as Her Majesty may see fit to appoint, directing them to inquire into and

*Mr. O'Shaughnessy*

report upon the operation and effect of the Act passed in 1870 to amend the Law relating to the occupation and ownership of land in Ireland, and more especially to ascertain, if necessary by local inquiries, whether and how far the provisions of that Act intended for such purpose have been effectual in giving increased security of tenure to the Irish tenants, and whether any and what obstacles have existed or do exist to prevent the operation of those provisions: and also to make like special inquiries and report as to the provisions of that Act introduced to facilitate the acquisition by the tenant of the absolute interest in his farm; and generally to inquire and report as to all matters connected with the tenure of land in Ireland which Her Majesty may see fit in Her wisdom to refer to them,"

said, that some such inquiry as he proposed was a necessary consequence of the passing of the Act of 1870. He felt certain he could satisfy the House, that having regard to the objects of that Act, and to the state of things it was intended to meet, it was the duty of Parliament to inquire at this period how far the measure in question had effected the objects it was intended to achieve. The Land Act of 1870 was not a compromise between rival interests or conflicting rights: it was passed simply with the intention of remedying a state of things that was very disastrous to Ireland. The tenant-farmer had long laboured under exceptional grievances. He was liable to be evicted without any reason being assigned whenever the landlord chose to exercise the power of driving him from the soil. He had no protection for the results of his own improvements, but it lay within the power of the landlord at any time to appropriate to his own use all the improvements which the tenant might have effected upon the property. They had it upon a very high authority that in one year—1849—no less than 50,000 evictions took place in Ireland, and matters ultimately assumed such an aspect that Parliament felt such a state of things ought not to be allowed to continue. Ireland had for more than a century been kept in a state of chronic discontent by the unjustness of the law, and it was not until the right hon. Gentleman the Member for Greenwich took up the question that the remedy was provided. That remedy declared in effect that the tenant should not be subject to arbitrary eviction, and that he should receive protection and compensation for his improvements. The principle of giving compensation, however,

for improvements did not originate with the late Government. It was first proposed by Mr. Napier, the Attorney General for Ireland in the Government of Lord Derby in 1852, but, unfortunately, Party combinations at that time prevented it from coming into operation. The proposal received the approval of the House, and the sanction of two subsequent Cabinets, but until the year 1870 no attempt was made to give it the sanction of law. Had the protection of which the Act of that year gave to the tenant been given earlier much dissatisfaction, misery, and even ruin might have been spared to Ireland. The first point of detail upon which he would touch in immediate connection with his Motion was that of the compensation to be paid to tenants for improvements made upon their holdings. He took that question first, because he thought its settlement was vital to the peace of Ireland. The Land Act of 1870 vested in the tenants the property in their improvements, but this provision of the Act had been defeated in many parts of the country by the course which the landlords had chosen to take. On many estates agreements had been sent round to the tenants by the landlords, with instructions to the bailiff who delivered them to compel the tenants to sign them before the next morning on pain of ejection; and the tenants, in most cases, felt themselves compelled to sign their right to compensation away, and to bind themselves from that moment not to expect compensation for improvements in their land. Surely that was a ground for inquiry by a Royal Commission. With regard to the landlords who had so acted, he would not mention names, for he had no wish in speaking on this question to create Party feeling. The tenant-farmers, in the paper sent round, were told that their rights for past improvements must be given up; and that had been done all over Ireland. Thus one of the beneficent effects of the Act of 1870 had been neutralized by agreements which it would be difficult to reconcile with honour and justice, and many of which would probably be upset if tested in a Court of Equity. The landlords who had taken the course to which he objected knew that their tenants were in their power, and that there was not much probability of legal means being taken to defeat their illegal

and unjust intentions. The result was that in many cases the tenant-right had been surrendered, and that the present position of a large proportion of the Irish tenantry was altogether different from what was intended by the framers of the Act which was passed five years ago. Had the Act been allowed to work they would in five years have a tenantry in Ireland with an estate in the land; but the intentions of that just Act were defeated. The defeat of the objects of the Act had an injurious bearing also upon tenant-right in the North of Ireland. He did not mean to say that the Ulster tenants were coerced, but in many instances the tenant-right had been given up where it had been in force many generations. Another defect in the Act of 1870 which called for inquiry was, that which, while in general terms it prohibited tenants from contracting themselves out of the right to compensation, it limited the prohibition to farms of a certain annual value. The effect of that had been to induce landlords by means of evictions to consolidate their farms, in order to obtain tenants who would have the power and at the same time the willingness to contract themselves out of their rights. Another effect of the Act had been practically to fix a tariff for evictions by providing that where no compensation was to be paid, evicted tenants should be entitled to damages. These damages were limited by the size of the farms and depended also very much upon the chairmen of counties who had to assess the amounts. Landlords were therefore in the position of being able to conclude that they were clothed with the moral sanction of the Legislature when exercising the power of eviction, and that their consciences were fully discharged when they had paid small damages to evicted tenants. In considering this question it was impossible to forget that it was an historical fact that the land of Ireland had been twice or thrice confiscated, and the lands of the old people—the real owners of it—had been handed from them to adventurers from England. Lord Clare, at the time of the Act of Union, he being then Lord Chancellor of Ireland, declared that the lands of Ireland had been confiscated, and he gave a total of 11,697,000 acres. Lord Clare further said, speaking of the manner in which Ireland had been treated under the Go-

vernments of successive Kings, that that which was really war against Cromwell was treated, by an English fiction, on the restoration of Parliament, as “rebellion;” and he again said that the whole of the land of Ireland had been confiscated and given by the Kings, in three successive confiscations, to adventurers; and Lord Clare further declared at the time of the Union that the rebellions in Ireland had been provoked by the want of sympathy between the new comers and the old people. But what had been doing since? While English statesmen had taken every means to suppress revolt they had never thought of seeking to redress the wrongs that provoked it. In 1822 a formidable insurrection, which originated in the discontent caused by oppressive conduct on the part of a landlord’s agent, broke out in Munster, but no effort was made by the Legislature to effect a permanent and satisfactory settlement of the landlord and tenant question. Almost all the revolts that had since taken place in Ireland were against the landlords’ power. Evictions in Ireland made the tenants feel insecure, and hence disturbances. If one tenant was oppressed, the instinct of self-preservation caused others to sympathize with him; each one thinking that it might be his own turn next acted accordingly. That was the state of things in Ireland at all events down to the time when the House had under their consideration the Land Act. The evictions of tenants in Ireland from 1840 to 1860 caused far greater desolation than the wars of Cromwell. Such little consideration had the landlords of Ireland for their tenants, not long ago in Donegal a landlord who thought proper to quarrel with his tenants evicted 300 simple peasants from their native mountains because they were unable to pay exorbitant rents. The military were called out to enforce this cruel edict. He (Mr. Butt), as an Irishman, asked if the Emperor of Russia was asked to act in this cruel manner to his serfs, whether he would not, in preference, send the landlord to Siberia? On another estate of 500 acres, where the rent was punctually paid, a murder was committed; and, although previously the neighbourhood was never disturbed by a crime or murder, 13 families were turned out and their cabins torn down, because they

*Mr. Butt*

could not tell who the murderer was. Could it be expected that a country should be tranquil in which such things occurred? In the reign of Henry VIII. a statute was passed which enacted that if a landlord pulled down the dwellings of any of his tenants, he must rebuild them and recall the people whom he had driven away from his property, and that if he did not comply with the terms of that Act his lands should be forfeited to the Crown. Again, in the reign of Elizabeth, a statute was passed which in effect declared that a man had a right to live on the land on which he was born; because under that statute, if a landlord evicted tenants and thus deprived them of the means of livelihood, rates to support them were imposed upon him. Unfortunately, however, those statutes did not apply to Ireland. No doubt, the Irish Land Act had done a great deal of individual good. It was the first step ever taken by England for the protection of the Irish tenant. It established principles of great value, and credit was due to the right hon. Gentleman the Member for Greenwich for the courage and genius with which he overcame all the difficulties in his way in passing that Act. The right hon. Gentleman, perhaps, would have done more than he did in the interest of the Irish tenant, if his measure had been cordially accepted by the Irish landlords. Thus far the Irish Land Act had given peace to Ireland. For years evictions had been given up; and agrarian crime had almost entirely passed away. But how long would that state of things continue? The landlords had begun once more to evict. Within the last year evictions had assumed almost their normal form in Ireland. If the House would agree to his Motion for inquiry, he would be able to show that those who had disturbed the public peace in Ireland were not those who had been consigned to gaol, or who had fled from the officers of justice, but some who occupied lordly mansions, and had caused irritation among their tenantry by their rapacity or oppression. Some sanguine persons might say the Land Act had done all they required; but if this were the case, what objection could they have to the inquiry he was asking for? Others, taking a more rational view, admitted that the Act had done a great deal of good, and that if we could really carry

out the object contemplated by its framers, we might have a prosperous and contented peasantry in Ireland. Was it not the part of a statesman to look forward to the future? The present time was perfectly tranquil; an united Conservative Government was in power; and the effect of the disposition shown by a Conservative Government to shelter and protect the peasantry would be more beneficial to the country than it would be if manifested by the Liberals. Why did the Government shrink from an inquiry? He besought them, above all things, not to leave in the minds of the Irish people the conviction that they were shrinking in consequence of any reactionary motive, and that they did not intend to carry out the principles of the Land Act fairly. Whatever the Conservatives might have thought of the measure originally, to go back upon it now would be fatal to the peace of Ireland. If the Government refused to grant the inquiry he asked for, there would assuredly be an inquiry by the public Press and by Tenants' Defence Associations. Exaggerated accounts of what had been done would then go forth to the country, and it would be far better to substitute a calm investigation by a Royal Commission for passionate appeals to the people. There could never be permanent peace in Ireland until protection was given to the tenant against the absolute power of his landlord, for so long as the tenant was a serf he would be also a rebel. His inquiry would include a consideration of those clauses which enabled the tenants to purchase their farms. There was a liability in some quarters to over-rate the disposition of the Irish people to become absolute proprietors of the land. In the North of Ireland, no doubt, such a disposition existed; but in the South the people would probably be content with absolute security of tenure at a moderate rent. At the time of the Union, he might remark, there were in the South a considerable number of small properties held in fee simple, by farmers; but, in almost every instance, these possessions had since been bought up by the great proprietors. This, however, did not detract from the value of the clause he had just referred to. Nothing, he believed, would be better for Ireland than the establishment of a peasant proprietary, and he would prefer that they



should hold their land without rent. We ought to teach the tenants to have that spirit of independence which would make them desire to become the absolute owners of their farms. One part of his inquiry, therefore, would be as to the causes which had hitherto prevented these clauses from producing any result. It was chiefly owing, he thought, to the harsh and absurd regulations laid down by the Government offices. The dominion of the landlord could not be maintained in Ireland, and the day would come when it would be admitted that the best friend of the landlords and the most Conservative politician, was he who had asked Parliament to join with him in devising means to reconcile proprietary rights with the right of the Irish people to live and be fed upon their own land. It was with that conviction he now begged to submit the Motion of which he had given Notice to the consideration of the House.

MR. KIRK, in seconding the Motion, said, he felt it incumbent on him to say a few words on the subject, because he represented the farmers of his native country and had also had considerable personal experience of the injurious working of the Land Laws of Ireland. What Sir George Cornewall Lewis said about Ireland many years ago was as true now as then; and though some little improvement had taken place, the general condition of the people was as hopeless and as miserable. That was a state of things which every lover of security and good order and prosperity in Ireland must deplore, which everyone, in fact, who loved Ireland would desire to see removed. For, at present, the very life-blood was being squeezed out of the people, who still were living, as Swift once described it, "a life more wretched than the beggars of England." The main root of our Irish grievances was the iniquitous state of the Land Laws. They had many other things to complain of, but no evil they suffered from had attained to such colossal proportions, and the great bane of Irish prosperity had ever been insecurity of tenure and capricious evictions. The Land Act of the late Premier had failed to give that security of tenure which was necessary for the welfare of the Irish people, and would never be looked upon as a final settlement of the question. They would

never be satisfied until the ancient Ulster custom had been recognized all over the land. His hon. and learned Friend the Member for Limerick (Mr. Butt), in introducing his Land Bill last Session, made a great effort to remedy that state of things; but under the present state of the law, very few landlords would allow a small holding to a small tenant if he could consolidate his farm, thereby getting rid of compensation altogether if he could re-let his land—an operation in which there were always plenty of land cormorants to help him. Having lived among the Irish people, he could say that discontent and its concomitant, disaffection, would always reign among them so long as they did not enjoy security of tenure. It was and had long been the policy of England to preserve the rights of property and avoid confiscation. Yet it had not always been so, as they might see from what had taken place in Ireland when an invasion was feared. In the year 1540, when the Isle of Wight was much exposed to invasion from France, as lying nearest to that country, and being much depopulated by reason of the land of the Island having fallen for the most part into the hands of large landholders, an Act of Parliament was passed which abolished large grazing farms and limited farm-holdings. The change was immense. The population of the Island soon doubled, and when, a few years later, in 1546, a French army of 50,000 or 60,000 men landed on the island, the Isle of Wight Militia sufficed to drive them out, as every man felt he was fighting for his hearth and his home. Substitute for the Isle of Wight, Ireland, and for France, America, and the parallel was complete. What interest had the Irish people in the soil? The sword of Damocles was hanging over their heads. The tenantry were asking for security of tenure, rather than for compensation. Ought laws to be tolerated which enabled landlords to depopulate half a county in order to make it a deer forest, or to decimate the inhabitants of a district under the pretence of getting rid of the surplus population; or to level 270 houses, leaving the inmates, young and old, healthy and sick, exposed to the cold on a stormy night; or which made it a rule of the estate that the agent should select the males and females who were to marry as though they were mere

*Mr. Butt*

cattle? As a tenant-farmer he said there were many good landlords in Ireland who wished to see their tenants happy, prosperous, contented, and even independent; but, on the other hand, there were bad landlords who if they saw their tenants prosperous would raise their rents, and take away from them the fruits of their industry. The present state of things could not continue to exist without producing serious political danger, for it might be the means of raising against England in the Far West a most bitter and resolute enemy. Russia had emancipated her serfs, and France, by going through a series of bloody revolutions, had shaken off the trammels in which feudalism had bound her. England alone remained callous to this progress; but he hoped she would take warning in time, and enter upon a policy more just and more generous. If something were not soon done for Ireland the people would once more become hopeless, discontented, and disaffected; and if England should find herself embroiled in hostilities with a foreign country, she would no longer be able to draw upon the Irish population to afford her soldiers and sailors to fight her battles, and the danger was that they might be found fighting in the ranks of her opponents.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to issue Her Royal Commission to such persons as Her Majesty may see fit to appoint, directing them to inquire into and report upon the operation and effect of the Act passed in 1870 to amend the Law relating to the occupation and ownership of land in Ireland, and more especially to ascertain, if necessary by local inquiries, whether and how far the provisions of that Act intended for such purpose have been effectual in giving increased security of tenure to the Irish tenants, and whether any and what obstacles have existed or do exist to prevent the operation of those provisions; and also to make like special inquiries and report as to the provisions of that Act introduced to facilitate the acquisition by the tenant of the absolute interest in his farm; and generally to inquire and report as to all matters connected with the tenure of land in Ireland which Her Majesty may see fit in Her wisdom to refer to them,"—(*Mr. Butt*.)

—instead thereof.

**MR. BRUEN** said, that on his own behalf, and on that of the landlords of Ireland, he did not shrink from any inquiry;

and if the Government thought fit to issue such a Commission as the hon. and learned Member for Limerick recommended, the Irish landlords, at all events, would have no cause to regret the investigation. There was no man more capable of painting a picture than the hon. and learned Member for Limerick, who knew how to combine the very smallest elements of fact, and to throw over them such a poetic haze and such an imaginative colouring as would produce out of little or nothing a most extraordinary effect. After listening to the fervid declamation against the Irish landlords which the House had heard that evening, he could not help asking himself whether it was really possible that he could belong to a class of men who would appear to be the very worst persons on the face of the earth. He hoped the House would not allow itself to be carried away by the description that had been given of the landlords of Ireland. The hon. and learned Member had mention one case in which a number of people were evicted from a townland in Donegal. That case had been previously brought before the House, when an attack was made on Mr. Adair; but those who made that attack did not go to a division, and a defence was offered which could not be contradicted. The steward of Mr. Adair had been brutally murdered; his wife and children, he believed, had been denied the very common necessities of life after the murder; a second *employé* of Mr. Adair's was also murdered; and when it was well known that everyone on that townland was well aware who the murderer was, Mr. Adair said if they did not disclose him, he would take the remedy into his own hands and say the people should not remain there. For himself he did not assert that Mr. Adair was altogether right in taking the law into his own hands, but these people were not so hardly treated under these circumstances. The hon. and learned Member had said that in 1849 there were 50,000 evictions in Ireland, but forgot to tell the House how many were for non-payment of rent, and that at that time the Famine had swept over the land and left the farmers absolutely unable to pay their rent. In many cases these unfortunate persons if left on the land had nothing to support them, and in several the landlords paid their passage to America.

And yet this was held up as cruelty on the part of the Irish landlords. When the Land Act was passed in 1870 if a case could have been made against the Irish landlords it would have been made; but in the three years ending the 31st of December, 1869, the total number of evictions was 1,560, and in 275 cases the persons were re-admitted; so that there was an average of only 428 evictions for each of those three years out of a total of 682,237 agricultural holdings. If corresponding Returns for England could be had, Ireland would show very favourably by comparison. On the part of the Irish landlords he denied that they evicted in the wholesale way which was asserted, though it was necessary that they should have the power to evict, in order that they might secure the payment of their rent. Indeed, the fact of so many holdings being let under the full rent was inconsistent with these wholesale evictions. We were told that what was wanted was fixity of tenure, valuation of rents, and the right on the part of the tenant to sell the good-will of his holding. But if there were to be that valuation, the result would be that in a large portion of Ireland rents would be raised, and if fixity of tenure were established it would relieve the landlords from all responsibility for making improvements. If such laws were enacted the landlords would pecuniarily be gainers. How could it be said that there was a desire on the part of the landlords to evict when they allowed tenants to remain on the land at a lower rent than they could get in the open market? But from the speeches the House had heard it would appear as if the landlords were the only persons in Ireland who were not to have security of tenure. Almost all the recent cases of eviction had come, not from the hands of the landlords, but from the hands of land-jobbers. If, however, the Government should see fit to grant the Commission asked for he, for one, should not object to it.

MR. O'SULLIVAN said, that notwithstanding all they had been told about the amiability of Irish landlords, rack-renting was being carried out worse than ever it had been before the passing of the Irish Land Act, the result of which was that evictions were as prevalent in Ireland as ever. He knew in his own neighbourhood a wealthy landlord who got £4 10s. an acre for land

which no agriculturist could make more than £6 an acre of, so that the landlord got 75 per cent of the income, and the cultivator only 25 per cent. He knew a case in Limerick where the tenant, who was an improving tenant, had paid £14 a-year for 4½ acres and a small house; but after the death of the landlord the rent had been repeatedly raised, so that in a comparatively short time it was £30 a-year. In 1873 the tenant said that if the landlord would pay for improvements he would give up the land; but the landlord, under the Land Act, got the tenant to contract himself out of the law, and in 1874 he ejected him without a shilling of compensation. Soon afterwards the tenant died and the landlord was morally guilty of his death. There were no doubt plenty of good landlords in Ireland; but protection was wanted against the bad landlords, who rack-rented and who behaved in a heartless and cruel manner, for he maintained that the Land Act was totally incapable of supplying that protection.

MR. M'CARTHY DOWNING said, he thought that it was the bounden duty of the Government to assent to this Commission. The right hon. Gentleman the Member for Greenwich said in 1870 that he wished to pass his Bill to prevent capricious evictions; but, had it had that effect? He (Mr. M'Carthy Downing) was sorry to say that it had had a contrary effect, for, before it was passed, it was shorn of some of its best clauses. He had a Return of the evictions upon notices to quit, for the three years immediately preceding and those following the passing of the Land Bill; and he thought that when the House became aware of the figures contained therein, they would be surprised at the fact. In the county of Antrim, for the three years ending 1870, there were 121 decrees in ejectment upon notice to quit. In 1871-2-3—the three years since the passing of the Act—there were 172 decrees of ejectment, being an increase of 51 over those obtained previously to the passing of the Bill. In the county of Cork there were in the three years preceding the passing of the Land Act, 160 ejectments; in the three years since, 195. In the county of Tyrone there were in the three years before the Act, 187 evictions; in the three years after, 205. In Tipperary, the number of evictions before and after the passing of the Act

was respectively 91 and 108, showing an excess of 17 since the passing of the Act. In Carlow, the number of evictions was respectively 15 and 22, showing an excess of 7 evictions since the Act. The cause of that was very evident. Landlords now felt that tenants had certain protection by law, and, in effect, said—"You cannot complain of my turning you out, you can appeal to the Land Act for the protection afforded you by the law." Persons also went to landlords offering larger rents, and also offering to pay the compensation of the old tenants; and, in this way, landlords were induced to evict. Again, a decision of the Judges had limited the operation of the Land Act. If a tenant had notice to quit on the 1st May, and remained in possession until the 2nd May, it was held that he was then a trespasser, and could be evicted without having any claim for compensation. If the Government, seeing that the Act of 1870 had signally failed, would only act fairly in the matter and grant this Commission, and see upon their Report whether they could not to a certain extent satisfy the wants and feelings of the people of Ireland, without trenching on the rights of the landlords, they would do an act which would long be remembered by the people of Ireland with gratitude. The very fact that the Returns from which he had quoted showed that evictions had largely increased since the passing of the Land Bill would, surely, be sufficient to prevent the Government refusing an inquiry into the subject. If the Land Act of 1870 had caused so much benefit to Ulster, why not apply it to all the other Provinces, and not leave the tenant any longer on the mercy of the landlord and the capricious judgment of the Judges. When a question was raised that the Act of 1870 disturbed the tenant-right in Ulster, a Bill was brought in by the present Lord Chancellor to secure it, and knowing, as he (Mr. McCarthy Downing) did, that the Act was a failure in the South of Ireland, he made an application to the right hon. Gentleman the Member for Greenwich—then Prime Minister—for redress, but was unsuccessful. Under all the circumstances, he believed a Commission was necessary, and should therefore support the Motion of his hon. and learned Friend the Member for Limerick.

SIR MICHAEL HICKS-BEACH said, it was a somewhat remarkable circumstance that, considering the short space of time that had elapsed since the passing of the Church and Land Acts, which had been quoted by so many hon. Gentlemen opposite on different occasions as the source and secret of the present prosperity of Ireland, that Motions should already be made for Royal Commissions to inquire into their working, and that those Motions should be supported by Gentlemen who were supposed to represent the popular party in Ireland. But when he heard the very poor and insufficient reasons which had been alleged for the adoption of that course, he confessed it was not surprising, under the circumstances, that right hon. Gentlemen on the front bench opposite should, by what might be called a capricious clearance, have left the defence of their acts to those who were not responsible for them. The hon. and learned Gentleman the Member for Limerick stated that it was not his intention to go into the past history of the land question, but he put it to the House whether that promise had been fulfilled. He (Sir Michael Hicks-Beach) regretted it had not, for in the course of the debate they had heard the usual denunciations of an alien proprietary, just as if the lapse of no number of centuries could possibly make a landlord an Irishman like his tenant. They had been told that "tenants in Ireland were more wretched than beggars in England," and that the Land Laws were the main root of Irish grievances. The hon. and learned Member (Mr. Butt), notwithstanding the eloquence with which he was endowed, had descended to those exaggerations, when he said that the Irish tenant, so long as he was a serf, would be a rebel, just as if the tenants of Ireland were serfs now. He had spoken of English authority being upheld in Ireland by English bayonets, just as if there were no Irishmen in the Royal Constabulary; and had told them that there could be no peace in Ireland until the tenant was protected against the arbitrary power of the landlord, just as if the Land Act of 1870 had never been passed. Now, all these assertions must be felt by the House to be gross exaggerations; and if he might express an opinion upon sentiments of the kind, he would say



that the hon. and learned Gentleman and his Colleagues, who had influence with the ignorant masses in Ireland, would do a greater service to their country by confining themselves to existing circumstances and by abstaining from such exciting and unfounded language, and from the discussion of grievances which had long passed away. But by whom, first of all, was the hon. and learned Gentleman supported? He observed a somewhat thin attendance—considering the importance of the subject—of those hon. Members whose support the hon. and learned Gentleman generally received. He was aware that some of them, so far from expressing an opinion in favour of further inquiry by a Royal Commission, had openly stated at public meetings that the Act was insufficient to save honest working men from capricious eviction, and that they would be satisfied with nothing but fixity of tenure and rents fixed by a periodical valuation. [“Hear, hear!”] For the information of those hon. Members who cheered, he might say that he was quoting from a speech delivered by the Colleague of the hon. and learned Member for Limerick in October last. More than that, he found that the Committee of the Tenant-Right Association in Ireland, who, so far as he knew, were the only persons really desiring again to bring this question forward, entirely repudiated the Motion of the hon. and learned Member for Limerick. [“No, no!”] Why, he found from a statement recently published by the body to which he referred, that they objected to the Commission altogether, and stated that in their opinion nothing short of perpetuity of tenure at fair rents, together with free right of sale, would satisfy the requirements of the country. These were the demands of the only party in Ireland who were at the back of the hon. and learned Member for Limerick. [“No, no!”] If that statement was incorrect, he should like the hon. and learned Member himself to say by what other party outside the House he was supported. He had heard objections to certain provisions of the Land Act raised by Irish landlords, but they were far from looking at the measure with the eyes of the hon. and learned Gentleman. He altogether failed to see that anything had been said by hon. Members opposite which would justify the appointment of

a Royal Commission. They had started upon an entirely wrong assumption. So far as he was aware, it was neither the intention of the Government which introduced, nor of the Legislature which passed the Land Act that it should altogether prevent landlords from evicting tenants. It was simply intended to deter landlords from capricious evictions; and he had listened in vain for proof that in this respect the Act had failed of its purpose. Those who approved the demand of the Tenant-Right Association which he had quoted could not have been satisfied with the Land Act as it passed, and therefore could not be among those who wished for a Royal Commission to inquire whether the Act had failed to effect a result which they had never expected from it. Their object, put simply, was to transfer the property of the landlords to the tenants without the latter being called upon to pay for it, and it clearly could not be said that the Land Act was passed with any such intention. The real objects of the Act were to guard tenants against capricious eviction, and to compensate them for unexhausted improvements and disturbance in their holdings, the last being a compensation which, so far as he knew, had never been seriously demanded by tenants in either England or Scotland. The provision with regard to disturbance was, that no landlord could disturb his tenant on a holding valued at less than £10 a-year without paying him a sum amounting to seven years' rental, or not exceeding £250. From a Return made in 1866, he learnt that more than half the tenantry in Ireland occupied holdings below the limit of £10, and therefore he ventured to say that the amount of the fine against capricious evictions which Parliament had imposed upon the landlord was sufficient absolutely to prevent the practice. He doubted, however, whether hon. Gentlemen opposite would be content with any money fine at all. Would they not rather say that those whom they represented would never be satisfied until they were permanently fixed in the occupation of the land? This was a proposal which had never yet been brought before the House, and if the hon. and learned Member would embody it in a Bill, the House would find itself in the dilemma raised by the right hon. Gentleman the

Member for Greenwich when discussing the Land Bill in 1870—namely, that, after all, the property of a landlord, even in Ireland, was property, and that if the reversion of the property was to be transferred from the landlords to the tenants, the landlords must be compensated, either by a payment from the Consolidated Fund, which Parliament would not vote, or by an increased payment of rent by the tenants, to which they would, not unnaturally, object. The hon. Member for Cork County (Mr. M'Carthy Downing) said, that the number of capricious evictions had increased since the passing of the Land Act, and in order to prove his case he quoted some fragmentary figures from a Return which had not yet been printed. There was no doubt that evictions had increased, to some extent, for a Return issued annually by the Constabulary—which should be presented to the House if any hon. Member would move for it—showed that for the three years preceding the passing of the Land Act the average number of evictions was 428, and that in 1874 the number had risen to 526; but there was no proof that the evictions were capricious. No doubt, in consequence of the altered relations between landlord and tenant since the passing of the Land Act, cases had occurred where landlords had demanded new agreements and arrangements, and where the tenants refused evictions did take place. But that condition of things was not permanent. Was it likely, he asked, that the landlords would evict capriciously in view of the fine which the Land Act imposed? It had been frequently said that since the passing of the Act the landlords had evaded the compensation clause by imposing exorbitant rents and getting rid of tenants who were unable, or refused, to pay them; but in a very able book since published, the hon. and learned Member for Limerick, commenting upon the Act, expressed his opinion that landlords were liable for compensation, if they imposed exorbitant rents merely for the purpose of enforcing unreasonable terms upon their tenants, and that the tenants were only disentitled to compensation in case their refusal to pay the increased rent was based upon unreasonable grounds. As to the evictions which had occurred since the passing of the Land Act, he

thought the Return from which the hon. Member for Cork County had quoted would show of what kind they were. Those evictions, he believed, were mainly on account of arrears of rent, the rent in some cases being eight or nine years in arrear. Fixity of tenure was held up as a remedy for all that was wrong in the agricultural condition of Ireland; but fixity of tenure in Ireland would, he believed, amount simply to this—it would give a good tenant no greater security than he at present enjoyed; but as to a farm in the occupation of a bad and insolvent farmer, it would enable him to dispose of it at a ruinous price to a successor even worse and more insolvent than himself. The hon. Member for the County of Limerick (Mr. O'Sullivan), with all the pathos of which his speeches were so full, told the House a moving story of a tenant who had his rent raised from time to time, and who was at last turned out from his holding and thrown upon the streets by the unreasonable conduct of his landlord. Having listened to that story, he (Sir Michael Hicks-Beach) was bound to say the hon. Member must have told it under a mistake. In the first place, he understood the hon. Member to say that the rent at the highest point was £30 a-year, and that the tenant had been compelled by the landlord to sign an agreement which deprived him of a right to compensation. He (Sir Michael Hicks-Beach) could only say that he was quite sure the tenant had not the advice of the hon. and learned Member for Limerick when he signed that agreement, because if the hon. and learned Member for Limerick looked at the compensation clauses of the Land Act, he would find that Act made compensation compulsory, in spite of any agreement, in the case of all holdings under £50 a-year. And if the figures were wrong, and the tenant in question had a holding worth more than £50 a-year, his position must have been such that he ought to have been able to take care of himself. The hon. and learned Member for Limerick had told the House that since the passing of the Land Act tenants had been divested of their right to compensation by being compelled to sign agreements depriving them of it. He must refer that hon. and learned Member to the provision of the Land Act

which prevented any such agreement, except where the tenancy was above £50. [Mr. BUTT said, there was no such provision in the Land Act. Past improvements might be made the subject of agreement.] He would not dispute on a point of law with the hon. and learned Member, because he was quite sure he should get the worst of it; but if a tenant chose to sell his right to past improvements, he (Sir Michael Hicks-Beach) saw no reason why he should not be allowed to do so. The hon. and learned Member admitted what the experience of the last five years seemed to prove to be the fact—that the Irish people generally were not so anxious to become absolute owners of land as some persons affirmed. If the desire existed anywhere he (Sir Michael Hicks-Beach) thought it existed in the North of Ireland, and it was somewhat strange that even there the tenantry infinitely preferred to pay a price for the tenant-right—he believed sometimes as much as £40 an acre—rather than purchase the fee-simple of their farms. He understood the hon. and learned Member to say that the hindrance to the free operation of what were generally known as the “Bright’s clauses” of the Land Act was, that the Government had insisted on overstringent conditions before they could be put into operation. Well, the conditions, as far as regarded the advance of money by the Government for the purpose of enabling tenants to purchase lands, were laid down in the Act itself. Money could not be lent for that purpose except to an amount not exceeding two-thirds of the price of a holding, which must be recouped in 35 years with interest at £5 percent. Now, he was bound to say he did not think it could be fairly alleged that those terms were improperly onerous to the tenant, or more than the Government ought to demand in order to protect the taxpayers of the country at large. He believed the hindrance to the operation of these clauses was not that the terms were too high, but that, as the hon. and learned Member himself stated, the tenantry preferred to buy the right of occupation of their farms to buying the freehold of them. But what did that prove? Surely it proved that the security of occupation was not quite so bad as the hon. and learned Member would make it out to be; that that security not only in

Ulster, but in other parts of Ireland, was sufficient to induce people to spend large sums in the purchase of existing tenant-right. Therefore, he thought the second part of the argument of the hon. and learned Member was almost an answer to the first part of the Motion which he had brought before the House. It had been stated by the hon. Member for Cork County—and he believed it was alleged the other day by his noble Friend the late Chief Secretary for Ireland—that action had been already sanctioned by the party now in office with the view of amending the Land Act. He (Sir Michael Hicks-Beach) had before him the Act to which the hon. Member for Cork County referred. It was an Act, of a single clause, to interpret a purely legal point in the Landlord and Tenant Act of 1870. It was carried in 1871, and he would venture to say it had nothing whatever to do with the main principles on which the Land Act was carried. He found that on a Motion being made in “another place” for a Commission to inquire into the working of the Land Act, purely from a legal point of view, with regard to varying decisions upon points which had been submitted to different Chairmen in Ulster, and the advisability of a uniform interpretation of the law, the present Lord Chancellor said he should be sorry to see any step taken by the Legislature for the purpose of altering the provisions of the Land Act; and he spoke merely in favour of altering the tribunal so as to secure uniformity of decision. A nobleman, whose name in matters connected with Ireland would always command respect in that House and in the country, the late Lord Clanricarde, said he should support the Motion, but should certainly not vote for the appointment of a Select Committee upon the general question, which would have the effect of overthrowing the Act; he also said it would be most unwise to repeal it or in any material degree to set aside its principle, but that was no reason why they should not make it more agreeable in the working. Yet the House was now asked practically by the Motion of the hon. and learned Member to re-open the whole question of land tenure in matters which had been settled only five years ago, by an Act framed with all the responsibility of the late Government and discussed most fully in both Houses

*Sir Michael Hicks-Beach*

of Parliament. He thought that if any course more than another was calculated to disturb the present happy state of Ireland it would be that of re-opening this land question. Nothing could be more mischievous than a quinquennial revision of the relations between landlords and tenants—a fresh stirring of all the feelings of bitterness with which many of the landlords of Ireland unquestionably viewed the deprivation of rights which they had hitherto possessed—a renewed encouragement to the unquestionable desire of many to possess the property of others without paying for it. Was this the time, when Ireland was gradually, but all the same rapidly, rising to a state of prosperity she had not hitherto enjoyed, again to raise all the disputed questions connected with that occupation which was her main support—agriculture? He would venture to say that the Royal Commission moved for by the hon. and learned Member for Limerick would be mischievous in the extreme, because it would excite hopes which could not possibly be gratified. Hon. Members had heard and read what were the real desires of those agitators who professed to represent the tenantry of Ireland. Unless a Royal Commission reported in favour of the demands they made, they would never be content with its appointment and would immediately repudiate its decision. This question of land in Ireland had been inquired into as fully and as carefully as any question which was ever brought before Parliament. It had been settled—he did not say finally, for he claimed finality for no Act of Parliament, but for many years to come, by the passing of the Irish Land Act of 1870, and he did entreat the House not again to rouse an agitation which had been allayed, by acceding to the Motion of the hon. and learned Member—a Motion moderate enough in its terms, but veiling all kinds of dangerous suggestions for a revolution in the tenure of land in Ireland. That country had, even yet, hardly recovered from the agitation which had accompanied the passing of the Land Act sufficiently to tempt persons to invest their capital in the purchase or improvement of land; and it was a curious fact that anyone who inquired into the increase of wealth in Ireland during the last five years would

find that it was mainly due to commercial investments and deposits in banks, and that the increase in the value of stock in Ireland was as nothing compared to the increase of those investments. That pointed still to a sense of general insecurity, and he hoped the House would not add to that evil by re-opening the question, but would treat the present Motion as they treated the Bill of the hon. Member for the County Down (Mr. Sharman Crawford) the other day, by giving it a most emphatic and decided negative.

MR. O'REILLY said, he was one of these who was prepared to support the Motion of his hon. and learned Friend the Member for Limerick. Anyone who had only listened to the glowing phrases of the right hon. Baronet must conclude that the Motion of the hon. and learned Member for Limerick was intended to overturn and uproot the Land Act of 1870, to re-open the whole question of land tenure in Ireland, and to introduce something vaguely, darkly, dimly Socialistic. But there was nothing of the kind in the Motion, and he thought he could convince the House that the demand for an inquiry was a reasonable one. The Act of 1870 was a great, a noble, and a beneficial experiment, well intended and, in the main, well devised for attaining its objects. Admittedly, however, it was an experiment, and was it contrary to precedent to ask that after five years' experience of such a law, an inquiry should be instituted in order to ascertain how far the measure had succeeded, to show the large amount of good it had done, to find out also where its provisions were unintentionally deficient, and to suggest a remedy for any flaws which might be detected? He supported this demand for inquiry, because he believed misapprehensions respecting the Act of 1870 were very prevalent. Indeed, his belief was, that, notwithstanding his speech, the right hon. Baronet himself was far from being clear of misapprehension on the subject. Its first object was to legalize the Ulster tenant-right and similar customs existing in other parts of Ireland; but, in some instances, it had failed to do this. There had been conflicting decisions on various difficult points, and good ground existed for inquiring how far the Land Act was effectual in carrying out its first object. The second object of the Act



was to afford compensation for improvements, and, substantially, this object had been effected; but, in certain instances, the question was raised whether the Act could not be evaded and nullified in this particular. A third object of the Act was to deter Irish landlords from capricious evictions by giving tenants compensation for disturbance of holdings. He believed that in an immense number of cases the compensation for disturbances wisely and boldly given by Chairmen of Quarter Sessions in Ireland had deterred landlords from capricious evictions. But in many parts of Ireland the tenantry thought these provisions had failed. Did not this afford fair ground for a local inquiry, in order to show the tenants that their belief was unfounded, if it really was unfounded? Again, the provisions in the Act for the acquisition by tenants of the absolute interest in their farms had not worked to any large extent. From his own observation, he knew that tenants were not particularly anxious to purchase the fee simple; but it was worth while to inquire how it was that so few persons had availed themselves of these provisions in the Act. The inquiry suggested by the hon. and learned Member (Mr. Butt) had been treated as though it were some mysterious and also some radical inquiry into the whole land system of Ireland, and as though it would unsettle the minds of all the tenantry. On the contrary, it was a rational and reasonable inquiry and one which, so far from unsettling the minds of men, would tend much to settle and calm them by confirming what was good, and showing the way to improve what was bad. He sincerely hoped, therefore, that if not now, at some distant time, such an inquiry would be granted.

MR. MELDON said, that since the passing of the Act of 1870, landlords, who before the passing of that measure would never have thought of disturbing their tenants, had considered that they had a moral right to evict on payment of a pecuniary fine. One of the greatest grievances in Ireland at present was caused by the practice of landlords insisting on their tenants entering into agreements on terms which deprived the latter of their rights under the Act. He did not understand what the right hon. Baronet meant by the action of a few agitators in this matter, for the Con-

ference which had discussed the question in Dublin consisted of Irish tenants and many landlords; and was not a meeting of any association. What the Irish tenants wanted and must have, was fixity of tenure at fair and valued rents, and they would not be satisfied until they obtained it.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 108; Noes 41: Majority 67.

#### INDIA—CASE OF MR. TORCKLER.

##### OBSERVATIONS.

MR. AGG-GARDNER, who had a Notice upon the Paper, to move, That a Select Committee be appointed to inquire into the case of Mr. Torckler, late of the Bengal Native Infantry, said, that gentleman had served with distinction in the regiment to which he had been appointed as interpreter and quartermaster. But, in the first instance, his appointment caused some dissatisfaction, and, unfortunately, that feeling afterwards increased. This gentleman was placed under arrest on the charge of having attempted to murder a brother officer in India, and was tried by court-martial, by which he was found guilty, and sentenced to death. Attempts to obtain the production of Papers bearing on the case were for a long time unsuccessful; but when they were produced it was found that the proceedings of the court-martial against him were so absurd that a Royal pardon was given to him, but he was not reinstated in the position he held when he joined his regiment. This gentleman had been left in a very painful uncertainty during a long series of years, and he suffered not from any fault of his own, but from the carelessness of Government officials. The case was one which seemed to him to demand inquiry.

GENERAL SIR GEORGE BALFOUR said, he was desirous to say something upon this case, as he had looked into the Papers bearing upon it. He had hoped that the case would have been settled without coming before the House of Commons, and he regretted that the Indian Government had not endeavoured to put an end to the representations that had been made in reference to this subject for so many years. In his opinion

some favourable consideration should be shown to this unfortunate man, and some allowance ought to be made for the great irritation under which he was suffering when he committed the offence, for which he was tried by a court-martial and sentenced to be hanged. The court-martial that convicted and sentenced him had been conducted in the most illegal manner, a strong personal rancour being displayed during the course of the proceedings; and the Commander-in-Chief having interfered, the man was pardoned, but was dismissed the Service, and obtained the grant of a very small pension. Since 1831 this unfortunate person had been endeavouring to clear his character, and had never ceased to appeal to the authorities for redress. It was only in 1863 that the Papers relating to the case had been brought to light, and then it appeared that the letter of the Commander-in-Chief in India in his favour had never been sent home or reached the proper authorities. A great wrong had undoubtedly been committed in the case, for which redress ought to be given, and he (Sir George Balfour) hoped it would be given.

LORD GEORGE HAMILTON said, he could not promise his hon. Friend who had introduced the Motion that the case of Lieutenant Torckler would be re-considered. He was surprised to hear the hon. and gallant Baronet opposite (Sir George Balfour) advocate the case, because that hon. and gallant Baronet had had considerable experience in military affairs, and was therefore aware of the great necessity of maintaining discipline in the Army. Now, what were the facts of the case. Lieutenant Torckler was an officer who, after a few years' service, had been appointed to a regiment with the officers of which he could not get on very well. Disputes arose, and possibly he had suffered under considerable provocation. But what did he do? He would state what he did from his own account of it. Wishing to obtain a signature to a document, he proceeded to the quarters of a brother officer, and, not having sufficient confidence in his own powers of persuasion, he took with him two pistols, and some altercation ensuing he discharged them at the person of the officer in question. For this offence he was placed under arrest, and he was tried by court-martial for having

unlawfully, maliciously, and feloniously fired one or two loaded pistols at Lieutenant Philip Goldney, with intent to murder. The court-martial condemned him, and he was sentenced to be hanged. The proceedings were, in due course, forwarded to the Commander-in-Chief, Lord Dalhousie, who approved the sentence. There could, however, be no doubt that the court-martial had been conducted with great irregularity; and, having taken the opinion of the best authorities on the subject, the Commander-in-Chief remitted the sentence, but he ordered Lieutenant Torckler to proceed to Calcutta. It afterwards came to the notice of Lord Dalhousie that the proceedings of the court-martial had been informal, and he got the best legal opinion in India as to whether he had power to remit the sentence; but as there seemed to be some confusion upon that point, he wrote home upon the matter. It was suggested that Lieutenant Torckler should be discharged from the Army, and the Court of Directors of the East India Company acted upon this, but he had from that time until now been in the receipt of a pension of £70 per annum. Under these circumstances, could it be contended that the case of an officer who discharged loaded pistols at a brother officer—who was adjudged an unfit person to remain in Her Majesty's Service, but who had been granted a pension, ought to be further considered? For his part, he could not but think that Lieutenant Torckler—notwithstanding that it was true that the prosecutor at the court-martial exhibited great animus against him, and that some of the charges preferred were not proven—had been treated with very great consideration. Having looked very carefully through the Papers on the subject at the India Office, it did not seem to him that the case required to be further considered by the Secretary of State.

## CONTEMPT OF COURT.

### OBSERVATIONS.

MR. WHALLEY, who had the following Motion on the Paper, but owing to the Forms of the House was unable to move it:—

“That this House is of opinion that the power of inflicting in a summary way fine and imprisonment upon persons adjudged guilty of Contempt of Court which is now exercised by

Her Majesty's Judges of Courts of Record should be used with extreme caution, and only in cases of urgent necessity; that, reserving the power of a Judge to punish in a summary way whenever necessary, it is advisable to provide by legislative enactment that a person aggrieved shall have some right of appeal, and that when practicable, punishment for Contempt of Court shall be awarded only after trial in due form and course of law."

said, he could not help expressing his regret that as the hon. Gentleman the Member for Londonderry (Mr. Charles Lewis), who had a Motion on the Paper on the subject of Contempt of Court, was not in his place on that occasion, that hon. Gentleman had allowed his Motion to drop. Immediately he (Mr. Whalley) found himself in possession of the question, his first desire was to find proper materials upon which to bring it forward. He therefore applied to the hon. Member to furnish him with the cases which he had in his mind, to show the necessity for the interference of Parliament. He regretted to say that that hon. Member declined to furnish him with the information; and therefore he could only deal with such information as he had in reference to the misconduct of the Judges in administering this law of Contempt of Court in the Tichborne Case. And here he might remark that it was the Tichborne Case which had given rise to the public anxiety in respect to the whole question, and which might have led to the other departures from precedent. He had looked into many authorities, including Blackstone, and he could not ascertain whether Contempt of Court was insolence or a personal assault upon the Judge, or whether it was something done out of the view of the Court, such as interfering with witnesses. He contended, however, that nothing that had been done by him, or Mr. Onslow, or Mr. Skipworth justified the course which had been adopted by the Court in fining them, and sending them to prison, on the ground that they had been guilty of Contempt of Court. The Judges, however, had laid down a rule on this subject which now permeated the whole of the Courts of Law, and had even descended to the County Courts. One Judge, for instance, threatened to commit a lamplighter for not properly performing his humble duty, and in another case, the Judge increased the punishment of a prisoner in consequence of what the learned Judge supposed, erro-

neously, had been uttered by the prisoner to another man in the dark. He contended that in respect to Contempt of Court the Judge was restricted to what took place in common with the administration of justice. The Common Law offence of Contempt of Court was restricted to such offences as it was necessary to punish then and there, in order to enable the Judges to administer the duties of their office. What took place in regard to the Tichborne Case did not arise from any misapprehension of his powers on the part of the Lord Chief Justice, for he declared that he used this pretence of Contempt of Court as a means of putting down public discussion as to the trial in connection with the Tichborne Case. The object of putting down the public discussion thus to prevent the man from having that fair trial which the common sense and the laws of his country provided that he should have. He charged the Lord Chief Justice with having, in enforcing his views in respect to Contempt of Court, a determination to prevent discussion respecting the Tichborne Case; and then to prevent money being raised to bring up witnesses on behalf of the Claimant—for it was impossible that the man could possibly have a fair trial unless money was raised for that purpose—and thus meet the large number of witnesses brought up by the Crown against the defendant, and which witnesses were brought forward at the expense of the country. He therefore charged the Chief Justice of the Court of Queen's Bench with having the deliberate object, in enforcing this principle of Contempt of Court, to prevent the Claimant from meeting the case brought against him, and supported in the way which he had stated. At the last election for Peterborough he (Mr. Whalley) was returned by a larger number of voters than at his previous elections—a fact that justified him in saying that the course which he had taken in support of the Claimant had been approved of by his constituents: and this brought him to the circumstances connected with the case of his imprisonment upon the charge of Contempt, and these circumstances were fully brought under the consideration of the right hon. Gentleman opposite at the head of the Government. The right hon. Gentleman, however, took the matter out of his hands to deal with it

*Mr. Whalley*

as a breach of Privilege, and he (Mr. Whalley) was left under the happy delusion that the right hon. Gentleman's object was to give a wider scope to the inquiry into this one of the instances of the trial, but to his amazement the right hon. Gentleman declined to enter into the question—he declined to give any answer to the appeal of 1,611 of his (Mr. Whalley's) constituents praying for an inquiry into the conduct of this man—of this Lord Chief Justice.

Notice taken that 40 Members were not present. House counted, and 40 Members being found present,

MR. WHALLEY resumed by saying, that not only had 1,611 of his constituents made a demand for inquiry, but that 300,000 honest men of England had petitioned to the same effect. He was aware, however, that the Government totally ignored the 300,000 petitioners on this subject, and that they almost disregarded the amenities which should exist between the Government and private Members. This was, he believed, the first time in the history of England, for it had not occurred even in the worst of times—in the time of Jeffreys—when a Judge, assailed in this way by the Petition of upwards of 300,000 persons, and distinctly charged with misconduct, had consented to allow himself to remain in the discharge of his duties while the petitioners remained either unsatisfied or properly rebuked. The right hon. Gentleman the Home Secretary told them that he had adopted in the case of the Tichborne trial the same course which he adopted in the case of an ordinary trial. But if that were so, why did the right hon. Gentleman tell them whether or not he had forwarded to the Lord Chief Justice the Petitions, affidavits, and complaints with respect to that Judge's conduct, which had crowded into the Home Office from every part of England? He did not tell them that he had refused to allow the Members of the House even to see them. He had, however, made an exception in his (Mr. Whalley's) favour, assuming that he was the only Member of the House who felt an interest in the case, ignoring the honest and serious agitation which was taking place out-of-doors in reference to this question. Further than this, he distinctly charged the Prime Minister himself with having gone out of his way

in putting upon the records of the Committee a Resolution approving of the conduct of the Lord Chief Justice. In bringing forward that matter he disclaimed anything like a personal motive, and his wish was to entirely separate his case from the complaints of the people though he had been twice fined and imprisoned for Contempt of Court. He contended, however, that the Lord Chief Justice had acted contrary to the precedents of his Court by inflicting that fine and imprisonment upon him. There was, however, one question upon which, with the permission of the House, he would say a few words, and that was as to what could be the motive of the Chief Justice for this grievous disregard of the precedents of his Court, this outrage upon the feelings of the sense of justice of the people of England by stopping public discussion under the plea of Contempt of Court. The onus of explaining that fell upon his hon. and learned Friend the Attorney General, or whoever else might rise to reply to his Motion. He (Mr. Whalley) would, however, venture to point to this circumstance, that in their Petitions the people—how they came by that knowledge he could not say—had distinctly stated that the Tichborne trial was the result of a Jesuit conspiracy. They stated that Stonyhurst College, which was the centre of the Jesuits in this country, had subscribed to forward the views of those members of the Tichborne family who were connected with that Order. There was no other solution of the mystery in which the case was involved, including the extraordinary conduct of the Press, which ignored, suppressed, or perverted, habitually and systematically, all that was said or written with respect to the case. He begged to state on behalf of the people who had signed these Petitions, and in repudiation of the futile and undignified imputation of the Lord Chief Justice, that they were "fools and fanatics, uneducated and deluded," that they had good sound constitutional reasons for the course they had taken, and that it was nothing less than a deliberate organized Jesuit conspiracy. The Jesuits were known in history and in every country of the world as men who ought to be regarded as outside the law. ["Question!"] He was endeavouring to explain in some rational manner, why this case should have been



involved in the mystery which the country contemplated with so much amazement. The Prime Minister had himself admitted that such was the law, and said he would enforce it whenever he found that these men offended. But why did he not enforce it, since the law stated that they offended by living in the country at all? These men acted in defiance of the law; they ignored it, and acted with motives and for objects that were inscrutable to him. He might mention in corroboration of this that when the unfortunate man now in prison returned to this country he, in conjunction with the present Governor General of India, Lord Northbrook, and several other Hampshire gentlemen, subscribed to his support, as they all knew him to be the man he said he was.

MR. BOORD rose to Order, and asked if the hon. Gentleman's remarks were relevant to the question before the House?

MR. SPEAKER said, the Question was that the House go into Committee of Supply. He could not say the hon. Gentleman was overstepping the bounds allowed in such cases; but he would suggest that he should confine himself to the particular point he wished to bring to the notice of the House.

MR. WHALLEY said, he would endeavour to do so. He was merely pointing to the fact of this general subornation as a proof of as general a belief in the identity of this man, which was attempted to be destroyed by some extraordinary occult influence working both in Parliament and in the Press, and which had even reached the Courts of Justice. Whatever this influence might have been, it, at all events, remained for the Government and those who defended him to assume the charge which he (Mr. Whalley) distinctly made, and which he was prepared to substantiate by every means, that the Lord Chief Justice did not even pretend to administer the law, but openly and avowedly, by his acts and by his words—

GENERAL SHUTE: I rise, Sir, to Order. Is any Member of this House at liberty to speak of the Lord Chief Justice of England in such language without bringing forward any specific charge?

MR. SPEAKER replied, that the hon. Gentleman was at liberty to make

charges against the Lord Chief Justice, but he was morally bound to substantiate them.

MR. WHALLEY said, that nothing could give him greater pleasure than that the Government should afford him the opportunity of substantiating the charges which he made against the Chief Justice of administering the law in his Court in a way which was entirely without precedent in punishing him and other gentlemen for an alleged Contempt of Court, and avowedly for the purpose of preventing public discussion in respect to the Tichborne trial. The result of that had been to deprive the unfortunate man of the only means he had of bringing up witnesses to prove his case. It now rested with the Government to account for this Judge's conduct. For his own part, he could discover no motive more reconcilable with all the circumstances of the case than that alleged by the petitioners—that he had been influenced by the Society of Jesus, an Order of men whom the law said were not fit to live in this country. He thanked the House for the patience and courtesy with which hon. Members had listened to what he had to say in favour of his Motion to restrict the power of their Courts in inflicting punishment for Contempt of Court, except in such cases as interfered with the proper discharge of their duties. If the Government would not take any trouble in the matter, he himself would introduce a short Bill to define the limits within which that power should be exercised.

DR. KENEALY said, that if anything were wanted to satisfy him of the absolute necessity of bringing in a Bill for triennial Parliaments, it was the bearing of the House on that great question. The people of England would learn in the morning through the newspapers that when his hon. Friend the Member for Peterborough (Mr. Whalley) brought forward a Motion of the greatest and most vital consequence to every man in England, there were so few Members in the House, that an hon. Member thought it right to call the attention of the Speaker to the small number present. It was, as it seemed to him, a most lamentable sign of the decline of public spirit, that atrocities of the nature which they had seen practised under the doctrine of Contempt of Court could be suffered so long to pass by with im-

*Mr. Whalley*

punity. He had hoped to follow the hon. and learned Attorney General, and not to precede him. He was anxious to learn from a learned lawyer like him any justification in point of law or precedent for those unconstitutional and illegal proceedings. He would express his own views on the matter—and he challenged the hon. and learned Gentleman, if he could, to demolish the edifice which he hoped to raise—and would show that there was no pretext or pretence in law for the proceedings that were carried on by the Court of Queen's Bench during that iniquitous trial. At the same time, he must say that he felt some sympathy for the hon. and learned Gentleman and all the right hon. Persons by whom he was surrounded. When Voltaire received some verses from the King of Prussia which His Majesty asked him to polish, he complained that the monarch had sent him such a quantity of dirty linen to wash, and he (Dr. Kenealy) sincerely sympathized with the hon. and learned Gentlemen opposite, who for so long a period of this Session had had so much dirty linen of the late Government to wash. He was not saying that the hon. Gentleman opposite had had much of their own, because he thought the present Ministry, with the exception of their unaccountable aberration in the Tichborne Case, had conducted the Government with as much dignity as could be expected, and it was rather hard on them that they should have to answer for and defend the gross dereliction of duty of the late Government. He had hoped to see on the Opposition benches some of the legal Representatives of that Government, because the acts complained of were committed during the time that Government was in power. He had therefore hoped that some of those legal Representatives would have been on those benches to explain or justify why it was that they did not interfere in stopping proceedings which certainly must have astonished every man in England who knew anything about the Constitution of England. Those Gentlemen, however, had thought it wise to be absent. He supposed if they had been able to justify those deeds—those unjustifiable deeds—they would have been present to do it. They were not. He would hear with some expectation what justification could be given of them by

the hon. and learned Gentleman opposite; but he (Dr. Kenealy) certainly would have preferred that he had followed the hon. and learned Attorney General so that he (Dr. Kenealy) might have had some opportunity of commenting or criticizing or probably of being convinced by the arguments of the hon. and learned Gentleman. It was not at all to be wondered at that there should have been a great amount of excitement in the country during the Tichborne prosecution. The committal of the Claimant by the late Chief Justice of Common Pleas was an almost unprecedented act. The Claimant himself, in the course of his cross-examination had told Chief Justice Bovill that so long as he sat upon that Bench there was no necessity for a hostile counsel to cross-examine him, and that remark caused a very powerful effect throughout the country. The country was watching the Case with a thousand eyes; the country saw the justification of the remark; the country was disgusted beyond measure with the summary mode in which the trial came to a conclusion. They sympathized very much with the man when he was sent to Newgate, a bail being imposed upon him which it was almost impossible for him to meet—namely, £5,000 himself and surety to the same amount. They saw the man lie in Newgate 50 days before he could procure that enormous bail. They also saw that Lord Rivers and other gentlemen of standing, when they went bail for him, were cross-examined as if they were thieves. Therefore it was that there was an amount of public feeling exhibited throughout the nation in favour of the man and against his opponents—his unjust and unrighteous opponents, as they believed them to be. Then the Defendant, as was very well known, had no money. The long time which the Crown thought fit to take between his committal and prosecution—a period of nearly 15 or 16 months—had exhausted his means. He had the misfortune, too, to fall amongst a variety of lawyers, and he was like the unfortunate man in Jerusalem who fell among thieves. He was completely cleared out, and just before the second trial he was almost penniless. It was absolutely necessary for him to resort to public meetings to get funds for his defence. He arraigned the conduct of the Court of Queen's Bench, for having de-

liberately attempted to put down those meetings, called together for the legitimate purpose of raising money to defend a penniless man. The first attack which was made by the Court was upon Messrs. Onslow and Whalley for attending a meeting at St. James's Hall, London. The only offence, as far as he could see, that those gentlemen were guilty of in attending that meeting was, that they said they believed that certain persons in the Trial in the Court of Common Pleas had committed perjury; and that was made the pretext for carrying those two Gentlemen before the Court of Queen's Bench, and bringing to bear upon them the exercise of a power which he undertook to say had never been exercised before. When the Lord Chief Justice was called upon to justify to some extent his extraordinary conduct, he intimated that the right of committing for Contempt was a rather ancient one. He (Dr. Kenealy) deliberately asserted that no instance could be found in the history of the law of Contempt up to the time of Lord Hardwicke—very recently—where such acts entailed such punishment. In the time of Henry II. there was a case where words of contumely were used in the case of a Judge sitting under a Royal Commission, but the man was tried in the ordinary process of law. The hon. and learned Gentleman opposite knew very well that when he went back to Henry II. he went back very far indeed. But he could go to one of the clauses of the Great Charter, which showed how violently, as it were, our ancestors guarded against the attempt to set up an arbitrary power in this country. The clause to which he alluded was the 46th, and it ran in the following words:—

“No freeman shall be taken, or imprisoned, or diseised, or outlawed, or banished, or in any way destroyed, nor will we pass upon him, or commit him to prison, unless by the legal judgment of his peers, or by the law of the land.”

That clause had been, and was at that moment, the law of the land, yet it was violated, and set at naught, by the Judges of the Queen's Bench, in their arbitrary proceedings for Contempt. There could be only two modes of ascertaining the law of the land. It was either written or unwritten. He asserted, but he was open to conviction, that there was neither written nor unwritten law, down to the time of Lord

Hardwicke, which authorized such proceedings as those of which they complained in the Tichborne Case. It was contrary to the spirit of the law that a man should be accuser and Judge; but the monstrous doctrine was also laid down that no answer could be given by the persons directed by the Court to be prosecuted for Contempt, and that it was simply a question of punishment. From the time of Henry I. down to the establishment of the Star Chamber, there was, he asserted, not one single instance known of summary punishment for Contempt. Hargrave, in his *Juridical Arguments*, vol. ii., p. 183, said—

“I am myself far from being convinced that commitments for contempt by a House of Parliament, or by the highest Court of Judicature in Westminster Hall, either ought to be, or is thus wholly privileged from all examination and appeal.”

Hallam cites this with approval, iii., 281. The hon. and learned Attorney General knew how great a lawyer Hargrave was; he was entitled to as much weight as any Judge, and to more weight than many of them; yet such was his deliberate opinion upon Contempt. Again that great jurist said—

“I am far from subscribing to all the latitude of the doctrine of attachment for contempt of the King's Courts of Westminster, especially the King's Bench, as it is sometimes stated and has been sometimes practised.”

What was the opinion of Hallam on what Chief Justice Wilmot said—

“The principle upon which attachments issue for libels on Courts is of a more enlarged and important nature; it is to keep a blaze of glory around them; and to deter people from attempting to render them contemptible in the eyes of the people.”—[*Opinions and Judgments*, p. 270.]

At one blow that was demolished by Hallam, who in his comment on it said—

“Yet the King, who seems as much entitled to this blaze of glory as his Judges, is driven to the verdict of a jury before the most libellous insult on him can be punished.”—[*Constitutional History*, iii., 283.]

Hon. Members laughed at the “blaze of glory” to which Chief Justice Wilmot alluded. In his opinion the present blaze of glory in which the Judges of the Queen's Bench shone, was a blaze of fire that would consume them, as Semele was consumed by the glory of her lover. Lord Mansfield, who was quite as arbitrary and despotic a Judge as any one now existent, in the last century, when

papers had been distributed in an Assize town among jurors summoned to try a great cause, did not venture to resort to the Contempt of Court doctrine. He knew better. He only adjourned the trial; leaving it to the party aggrieved to proceed by criminal information. And Lord Denman had declared from the Bench, that the summary power was limited to cases of direct insult to the Court while it was sitting, or of obstruction to its process. That was law, and it was common sense also. Therefore, the whole of these proceedings, carried on under the auspices of the Court of Queen's Bench, were absolutely without precedent. If he wrote the most fearful libel against the Sovereign, that Sovereign had no power to summarily punish him. The Sovereign could only send him to be tried by a jury: and could it be contended that a man who spoke disrespectfully of the mere Representative of that Sovereign could be punished without trial by jury? The thing was absurd. It would not bear a moment's examination. He would be glad if the hon. and learned Gentleman could clear up that rather difficult matter. What were the facts? Mr. Onslow and Mr. Whalley expressed their opinion that the evidence given against the Claimant in the Court of Common Pleas was false, and they were declared guilty of Contempt. But when he (Dr. Kenealy) brought Mr. Routledge before the Court for speaking of the Claimant as "a swindler, a scoundrel, and a perjurer," the Court would hardly listen to him. Mr. Onslow and Mr. Whalley disclaimed any intention of offending the dignity of the Court. They never intended to bring the Court into contempt. They asserted as Gentlemen—and he believed that they were entitled to credit—that they merely sought to awaken sympathy for the man and to obtain funds for his trial. They were treated almost as felons, and reprimanded in the strongest way. He would not soon forget the acrimony with which each of these Gentlemen had been treated by the Bench. There was no calmness, no judicial dignity, none of the fine placid solemnity which they were accustomed to associate with the character of our Judges; but all was violence, rage, anger, and evidently a powerful and deeply-rooted determination to put down public meetings, and assertions at such meetings about the

Claimant. The scene was one utterly unprecedented and disgraceful to an English Court. He was present at the time, and the conduct of the Bench carried him in spirit back to the horrible days of Scroggs and Jeffreys. Mr. Skipworth was also there, and he probably was moved by the same indignation as himself. He went down to Brighton, and addressed a public meeting, to which he described what had taken place that day in the Court, and said he had seen two Members of Parliament treated as criminals for advocating truth and justice throughout the country, and that he hurled the intimidation of the Judges back with the contempt which it deserved. There was no attempt in the speech to prejudice the public mind, or to interfere with any person who might afterwards be considered an important witness; but simply the exercise of the right of every man to make a criticism, uncalled-for and unmerited if they pleased, but a criticism on the conduct of one of our Judges in his judicial capacity. He (Dr. Kenealy) had yet to learn that an Englishman was prohibited by any law from criticizing the conduct of any public officer of State. Of course, he exercised that right at his own risk; if he passed the bounds of due criticism, the law would step in and punish him. But, for simple criticism like that at Brighton, to say the critic could be summarily dragged before a Court of Law and fined and imprisoned, appeared to him about one of the most arbitrary stretches of unjust power ever witnessed in any country. Bad as the Tichborne precedent had been, and fraught with dangers to public morals, including the palliation of adultery, embezzlement, and falsehood given from the Bench, he did not believe that it was to be equalled in badness by the doctrine now sought to be established—that for language such as that at Brighton a man could be dragged away, convicted without trial by jury, and fined in the large sum of £500, and subjected to three months' imprisonment, as Mr. Skipworth was. If hon. Members did not believe that these things were entering deeply into the English mind and heart, they were sadly mistaken. He did not believe anything in the world had more deeply entered into the English soul than the sending of those Gentlemen to prison without the intervention



of a jury. ["Oh!"] Gentlemen would find that that was so when they faced their constituents. [*Ironical cheers.*] They would hear cheers of a different kind when their constituents questioned them on this matter. It was not for him to anticipate; but he entertained a very lively anticipation that when they cried "Oh!" before their constituents, they would do so in very different and in very melancholy tones. The Claimant was brought up for saying the Lord Chief Justice had spoken of him at his club as a rank impostor, and had said to some ladies that it was a shame to mention his name in decent society. The Lord Chief Justice handed the newspaper containing these statements to the Attorney General, and asked him to bring the matter before the Court. Was it not repugnant to every principle of justice that the Judge whose conduct was arraigned in this matter should himself call the attention of the Law Officers of the Crown—that he should act judicially in his own case—a thing which the humblest magistrate in England would not do if he were prosecuting a person for stealing a couple of eggs from him? That the Lord Chief Justice should do this seemed to him (Dr. Kenealy)—he hardly liked to call it an outrage on public decency, but in his judgment it was a course of such a nature as required no language of his to characterize as it deserved. Mr. Skipworth and the Claimant were called before the Court. Why did not the Lord Chief Justice then deny the imputations made against him? What were these accusations? He would read them from the report. First of all came the speech of Mr. Skipworth, which was as follows:—

"Ladies and Gentlemen.—It is encouraging to find your reception after the degrading spectacle, I may say, I have witnessed at the Queen's Bench to-day in London. Nothing less than this: that two honourable Members of Parliament have been brought up, I may say, as criminals, for advocating truth and justice throughout the country. ('Hear, hear,' and *applause.*) Yes, gentleman, I say a sad spectacle it is for England that we have come to this—no less than a great infringement upon our rights and liberties—('Hear, hear')—and if they had a just cause upon the other side, you may depend upon it it would never have been done. ('Hear, hear,' and a cry of 'Never.') And what do they mean when they rob a man of everything he possesses, and he has to go about the country for a living? They would even rob him of every friend he possesses. (*Applause.*) The Lord Chief Justice of Eng-

land particularly stated in his judgment how mild and moderate he was to these gentlemen, inasmuch as they had apologized; but it was only an example, and that if anyone else should similarly offend, or be brought up under similar circumstances, they would be visited with the full rigour of the law—not only a fine would be inflicted, but imprisonment. (*Cries of 'Shame,' and hisses.*) Gentlemen, I hurl his intimidation back with the contempt that he has treated these Members of Parliament with. (*Loud applause.*) I care not for his intimidation. I will stand here when my duty calls me in defiance of his—ay, I will call them—vulgar threats. (*Renewed applause.*) I am not going to be intimidated when I consider that a duty to my country calls me forth."

The remainder of the speech was to a similar effect. Here, the House would observe, there was not one syllable spoken as to the pending trial. Every word was directed against the arbitrary, tyrannical, and despotic conduct of the presiding Judge. Talk of Algiers and its laws, or rather its defiance of laws, after that! We had now Algerine law in this country. He now turned to the Claimant's speech which he found thus reported—

"Four years ago the Lord Chief Justice of England publicly denounced me as a rank impostor at his club. I know of others (occasions), but cannot prove them, so will not. But I can prove that he subsequently, within these last two months, at a party where a lady friend of mine was, distinctly turned round to those ladies, and said it was a disgrace to mention my name in decent society. ('Oh, oh!') I think I have a right to call on him to answer for Contempt of Court. I do not suppose they would grant the rule, but rest assured I will apply for it. And I maintain, ladies and gentlemen, that he had no right to sit on that Bench (to-day). At St. James's Hall my friend, Mr. Onslow, stated that the Lord Chief Justice was not a fit Justice to sit on my forthcoming trial. He gave, as his reasons, those I have mentioned, and that he had also, during the late trial, while sitting by the side of Judge Bovill, written on a piece of paper—'Had I been Judge, and you leading counsel, we would have had this fellow in Newgate long ago.' He was a party concerned, and if he had had the slightest delicacy for his honour he would never have sat on the Bench (to-day). So much have I heard, that I intend to petition Parliament against his sitting on my forthcoming trial. No doubt, I shall be able to prevent him. If I do not, I will go into that Court without counsel, attorney, or witnesses, and let him crush me as he thinks proper. ('No, no!') If the Lord Chief Justice has got to sit and adjudicate on my case I will offer no evidence, but throw myself on the country. (*Applause.*)

Now the Lord Chief Justice, thus publicly arraigned, himself handed to the Attorney General—or his representative—the newspapers which contained the report, and in the presence of his junior

Judges demanded punishment for these reflections cast upon himself. This was against all law, for a Judge to be Judge in his own cause. But he shrank from a public denial of their truth. He never has denied them to be true. He might well have come into court on the day of committal, and said—"I appear here because of certain charges brought against me. I give the most positive denial to their truth, and now I will retire from the Bench and allow my brother Judges to deal with this matter." That was not done, which furnished to his (Dr. Kenealy's) mind an evidence of want of *bond fides* on the part of the Lord Chief Justice. The Claimant was not punished at all, but was allowed to go free, because the Court admitted that if he was looked up, he could not get money for his defence. Those were two of the three cases—the third exceeded all the rest. When the House heard what Mr. Whalley was sent to prison for, it would be indeed surprised. He was sent to prison because of his belief in the witness Jean Luie. Mr. Whalley had, at his own expense, undertaken a troublesome voyage to America to sift Luie's story, and see if he was a credible witness; and he came to the conclusion, which he still entertained, that the man's story, with regard to the *Osprey*, was substantially true. He came back, and on his report the defence called Luie. Soon afterwards that man was sworn to by a detective as having stated that Mr. Whalley had called on him at Brussels, and induced him to come forward. No one who knew Mr. Whalley could believe he was capable of a dishonourable act. He might have eccentric notions about the Jesuits and other matters; but he (Dr. Kenealy) did not believe that any hon. Gentleman who had been associated with him in that House, or out of it, for the last quarter of a century would believe that Mr. Whalley could be guilty of a wilful fraud. When the statement of the detective was published, Mr. Whalley sent a letter to the papers, in which he said nothing that had occurred had affected his belief in Luie's evidence about the *Osprey*. That letter was as follows—

"To the Editor of *The Daily News*.

"Sir,—I ask the favour of your insertion of the copy of my letter to the defendant's solicitor, written on my way home from America. It was only on Saturday last that I became informed

that a copy of this letter has been in the hands of the Solicitor of the Treasury, and the ground on which I now ask for its publication is, that the Lord Chief Justice stated, when I was in the witness-box, that it would be material to show that the prosecution knew the result of my inquiries in America. I was unable, in reply to his Lordship's question, then to say more than that I had from the first pressed upon the Solicitor of the Treasury to accept information of every fact and circumstance that from time to time might come to my knowledge, whether for or against the defendant, and that he had persistently refused to do so. As the statements of Detective Clarke of what Jean Luie has told him (though denied, as it seems, by Luie himself) may materially prejudice the Trial, I consider that I am called upon to state that nothing that has occurred in relation to this man affects my belief that his evidence as to the *Osprey* is substantially true.—I am, &c.,

(Signed) "G. H. WHALLEY.

"London, 20 January, 1874."

Was it creditable—was it even creditable that for the last paragraph in that letter Mr. Whalley was fined £250 and was sent to prison? It was perfectly monstrous. He (Dr. Kenealy) could hardly have conceived that, notwithstanding the unprecedented lengths to which the Court went, it would go the length of saying that Mr. Whalley must go to prison for saying he believed in Luie's story about the *Osprey*. The fact had only to be mentioned and considered candidly by any honourable and rational mind, to compel that mind to come to the conclusion that it was utterly unjustifiable. He would not trouble the Court—he meant the House—with anything else except what related to the defendant himself. He used to go round and shoot in the name of Sir Roger Tichborne, which was considered such a Contempt of Court that the Court would not allow him to go and shoot in his own name. In what name was he to go and shoot? Was he to call himself Arthur Orton? That could hardly be said; he (Dr. Kenealy) did not know what might be said in reply; but it was outrageous that because he represented himself at the shooting matches as Sir Roger Tichborne, which, by every principle of law, until convicted, he was entitled to do—because he did that he was threatened with being sent to Newgate. Those were very high-handed proceedings, and though they might not meet with that reception in that House which he wished they would, they were producing great effect on the country, as was shown by the extraordinary number

of Petitions that had been sent praying for an inquiry into the Claimant's case. To those Petitions the House had turned a deaf ear. He was not going to set himself up as a censor of the House. No doubt, the House was acting with what it thought due wisdom and deliberation. But he did hope, whatever conclusion the House might have come to previously, it would not hastily come to any resolution in this case which would go the length of confirming the doctrine, now for the first time laid down, that men might be summarily fined and imprisoned for such offences as he had called the attention of the House to. Hon. Gentlemen must all have read of two great trials which excited as much public feeling as that of Tichborne. The first was that of Warren Hastings. Multitudes of leading articles were written during that trial, and speakers went about, some asserting his complete innocence, and others denouncing him, in the language of Burke, as one of the greatest miscreants that ever existed. The High Court of Parliament must have been cognizant of all this, and yet it never ventured to exercise any power of committal for Contempt for those ebullitions of party feeling. It knew that no such power existed in law. In the same way, on Queen Caroline's trial, half England asserted that she was a martyr of innocence and purity; others, siding with the King, asserted the opposite; and yet, although the Ministers were not indisposed to adopt the most arbitrary proceedings to gratify the King and their own feelings, no instance was recorded of a punishment for Contempt during the whole of that trial. These were two extraordinary precedents in his favour. Apparently, in the mind of Parliament then, no power existed in the legal tribunals to punish for the expression of opinion one way or another; and yet everybody knew how virulent, and hostile, and how acrimonious those expressions of opinion were. These facts demonstrated that the lawyers of those days—men infinitely greater than those we had at present—did not believe there was any such authority resting even in Parliament to act on that doctrine of Contempt of Court. He had now cited law and narrated facts to show that there was an undue, unfair, and almost tyrannical exercise of power for the suppression of all expression of public opi-

nion in the Tichborne Case. The interest of every man in this country was that men should not be muzzled, in the way the Court of Queen's Bench sought to muzzle the opinion of England in that trial; he declared that it was against all our precedents, predilections, and views that an Englishman should not be allowed to speak his thoughts as freely as the winds of heaven blow. He called these matters to the attention of the House, sincerely hoping that he had made some impression. His only object was to consult the public interest in this matter, and he threw himself on the dignity, the traditions, and the glorious history of that House. He hoped it would not be insensible, or blind, or deaf to a recollection of its grand and constitutional recollections, and that it would rise equal to the present occasion, and proclaim a law which would give delight to the whole of England—that no Judges were invested with the power with which the Judges in the Court of Queen's Bench had invested themselves, and that Parliament would interfere to check the growth of any such power as unconstitutional, tyrannical, and disgraceful in the very highest degree.

THE ATTORNEY GENERAL asked for the indulgence of the House while he made a few comments upon the very small portion of the speeches of the hon. Members for Peterborough and Stoke which appeared to him to be appropriate subjects for discussion in the House. He said that he must, in the first place, observe that the hon. Member who had last spoken appeared to be under some misconception as to the real question before the House, for he had repeatedly expressed a hope that the House would express some opinion upon what he called those important questions which he had brought under their consideration. The sole question now before the House was, whether they should go into Committee of Supply, and, on such a Motion, no vote could be taken or decision arrived at on the matters to which the hon. Members had called attention. At the same time, he (the Attorney General) felt that it would not be becoming in him if he altogether passed over the observations which the hon. Members had addressed to the House. The hon. Member for Peterborough had given Notice of a Motion,

which he was prevented by the Rules of the House from bringing on as a Motion, though it was quite open to him to discuss its subject-matter. The first part of his Motion was to the effect that the power of inflicting in a summary way fine and imprisonment upon persons for Contempt of Court, as now exercised by Her Majesty's Judges of Courts of Record, should be used with extreme caution, and only in cases of urgent necessity. He (the Attorney General) did not think that any Member of the House dissented from that proposition; but it was not the custom of the House to pass Resolutions simply expressive of that to which everybody assented. The second part of the Notice of Motion given by the hon. Member for Peterborough was as follows—

“That, reserving the power of a Judge to punish in a summary way whenever necessary, it is advisable to provide by legislative enactment that a person aggrieved shall have some right of appeal, and that when practicable, punishment for Contempt of Court shall be awarded only after trial in due form and course of Law.”

To that part of the Notice of Motion no reasonable objection could be taken; it was a very proper subject for any hon. Member, who deemed legislation necessary, to bring under the consideration of the House. As regarded the power of Judges to punish for Contempt of Court, he thought it was a most useful power, and one which ought to be retained; it was vested in the Judges, not for their own protection, but in the interests of the public; it enabled the Judges to secure a fair and deliberate trial of the matters which, from time to time, came under their consideration. That opinion, he believed, was shared by a very large number of Members in that House. At the same time, the question whether that power ought to be limited would be a fair subject for discussion; and, holding the office he did, he thought it his duty to be present during this discussion, and to ascertain to what extent hon. Members might make out a case for imposing any such limit. The House, however, was aware how the subject-matter of the Notice of Motion had been departed from. The Notice of Motion recognized the existing power in the Judges, and asserted the propriety of limiting it by legislation; but, instead of pointing out any amendment, which they desired

should be made in the law, the two hon. Members told the House that the existing law had been broken by the Judges of the land. But had any one single case been brought forward illustrating or suggesting any breach of the law by the Judges, or the necessity for any alteration of the law, except those which had been alluded to as having occurred in connection with the Tichborne trial? Now, as far as regarded the incidents of that trial, he appealed to the House whether the present occasion was a proper one for renewing the discussion on the incidents of the Tichborne trial? The hon. Member for Stoke availed himself of a recent opportunity to bring the subject of that trial under the consideration of the House, and he could at that time have asked for its opinion on this matter. Had not the hon. Member the fullest opportunity of then assigning every possible reason that could be urged by him against the manner in which that trial was conducted? He urged his reasons for a new trial, in the presence of one of the largest assemblies in the course of the present Session, and he found only two supporters. Again, as regarded the subject of committal for contempt, the hon. Member himself asserted that committal for contempt, in respect of such matters as those in respect of which the hon. Member for Peterborough was committed, was contrary and unknown to the law of England, written or unwritten. But he (the Attorney General) asserted the contrary. The hon. Member himself admitted that, from the time of Lord Hardwicke down to the present time, the exercise of the power of committal for contempt in respect of publication pending the progress of a trial had been distinctly recognized. He spoke of Lord Hardwicke's decision as recent, but it was given 100 years ago, and had been followed ever since: by Lord Erskine, and by the Court of Queen's Bench upon the occasion of the trial of Thistlewood and Ings; in the latter case, a printer, for having published matter affecting the trial while it was pending, was punished for Contempt of Court, exactly in the same way as those had been punished who had committed Contempt of Court in connection with the Tichborne trial. He did not consider that in any instance in which that power was exercised during the Tichborne trial there had been any



failure of justice. No doubt, it might occasionally happen that a Judge might make a mistake; but he was sure that the House would not be prepared to deprive the Judges of a valuable power, because, on some very rare occasions, there might have been some possible error in its exercise. The Judges were not deprived of their power of measuring out punishment in criminal cases, because it was sometimes thought that they had been too severe or too lenient in their sentences. But he must guard himself from appearing to think or to suggest that there had been the slightest departure from the law of the land, as far as regarded the committals for Contempt of Court, by the Judges in the Tichborne trial. On the contrary, he was of opinion that that trial had been conducted by the learned Judges in a manner which entitled them to the gratitude of their country, and he was extremely sorry that the hon. Members, after the full opportunities they had had on a late occasion of expressing their disapprobation of the mode of conducting that trial, and after the strongly expressed opinion of the House upon that occasion, should have thought it worth their while on the present occasion to get up and insinuate, if they did not actually assert, that the proceedings of the Judges, and, in particular, of the Lord Chief Justice, had no other object than of preventing the man on his trial from having a fair trial. That insinuation, he believed, met with no response from any Member of the House. The hon. Member for Peterborough wound up his statement by referring to the punishment inflicted on himself for Contempt of Court in connection with the Tichborne Case, and the hon. Member for Stoke had referred to it as the most flagrant, in his opinion, of all the infractions of the law committed by the Judges. Now, the case of the hon. Member, in respect of this very committal, was brought before a Committee of the House on Privileges, and the only further observation he (the Attorney General) would make in regard to it would be, to read the conclusion at which that Committee arrived, and in which the House concurred.

MR. WHALLEY: The Committee declined to enter into the circumstances, as will appear from their Report.

THE ATTORNEY GENERAL said, that what he was about to read would

speak for itself, and he read the following passage from the Report:—

"Your Committee, having had such orders and affidavits before them, proceeded to offer to Mr. George Hammond Whalley an opportunity of making such observations on the matter referred to them as he might desire to offer. Mr. George Hammond Whalley has put in a written statement, part of which appear to your Committee to be irrelevant to the specific object of the present inquiry, but your Committee considered that it would not be expedient to omit any portion of what he deems essential to be laid before the House. Under all the circumstances of the case, your Committee are of opinion that the matters referred to them do not demand the further attention of the House."

MR. WHALLEY said, the Committee declined to enter into any consideration of the circumstances which he brought before them—

MR. SPEAKER ruled that the hon. Member was out of Order, having spoken to the Question, that the House go into Committee of Supply.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

#### SUPPLY—CIVIL SERVICE ESTIMATES.

##### CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS.

##### SUPPLY—considered in Committee.

(In the Committee.)

(1.) £36,646, to complete the sum for the House of Lords Offices.

(2.) £41,651, to complete the sum for the House of Commons Offices.

MR. DILLWYN said, he was of opinion that the salaries of the officers of the House of Commons ought to be equal to those of the House of Lords.

Vote agreed to.

(3.) £47,516, to complete the sum for the Treasury.

MR. DILLWYN said, there was an item in this Vote which called for explanation. It was that which referred to the Auditor of the Civil List. He should like to know what were the duties of that officer, seeing that he had a salary of £1,500 a-year?

MR. W. H. SMITH said, the officer in question was really an assistant to the Secretary to the Treasury. The title of Auditor of the Civil List conveyed no idea of the important duties he had to perform, and he was probably one of the

most hard-worked men in the Department.

SIR CHARLES W. DILKE wished to know what those duties were?

MR. WADDY asked whether this particular gentleman had any other salary?

MR. W. H. SMITH: No; he has no other salary.

THE CHANCELLOR OF THE EXCHEQUER, in answer to the question of Sir Charles Dilke, said, he understood the office was formerly a sinecure, but for some time an alteration had been made in the Department. The senior clerk in the office had been appointed to the position, and his time was fully employed.

In reply to Mr. GREGORY,

MR. W. H. SMITH said, the Government had resolved to raise the salary of the Chairman of Ways and Means, so as to make it equivalent to that of the Chairman of Committees in the House of Lords. The increase would take effect from the commencement of the present financial year, although it did not appear in the Estimates.

*Vote agreed to.*

(4.) £73,272, to complete the sum for the Home Office.

MR. WHITWELL, in the case of the Inspectors of Mines, wished to know whether those officers were paid by salary, or in consideration of each mine they inspected?

MR. MACDONALD said, he had to take exception to the charge, and particularly with reference to the expenses of mine Inspectors which were heavy and called for explanation.

MR. COWEN said, that the salaries of these Inspectors had not risen in proportion to the general advance, and it must be difficult in consequence to get competent men to undertake the duties.

MR. W. H. SMITH said, the payments objected to were not additions to the salaries of the Inspectors, but commuted allowances for hotel expenses; their travelling expenses were repaid to them strictly according to the sums disbursed.

*Vote agreed to.*

(5.) £51,692, to complete the sum for the Foreign Office.

(6.) £27,738, to complete the sum for the Colonial Office.

(7.) Motion made, and Question proposed,

"That a sum, not exceeding £29,252, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Salaries and Expenses of the Department of Her Majesty's Most Honourable Privy Council, and Subordinate Departments."

MR. DILLWYN said, he had moved for certain Returns in connection with the expenses of this Department. He found that a considerable outlay was charged under the head of investigations in aid of medical science. Those investigations included the chemical constitution of the brain, febrile diseases, cancer, and sheep pox, and he contended that, however, valuable such amateur investigations as he considered them, might be, they were not within the province of a public Department. He should therefore, move to reduce the Vote by £2,000.

Motion made, and Question proposed,

"That a sum, not exceeding £27,252, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Salaries and Expenses of the Department of Her Majesty's Most Honourable Privy Council, and Subordinate Departments."—(*Mr. Dillwyn.*)

DR. LUSH wished the hon. Gentleman the Member for Swansea to understand that these investigations were not made merely for the benefit of the medical profession, but for the benefit of the public at large.

MR. MACDONALD supported the Amendment. He did not see why, if the public money was to be expended in the investigation of disease alone—if sums of money were to be expended, he could not see why it should not be also expended in scientific measures directed to neutralizing of the dangerous gases which were found in the mines of the country.

DR. CAMERON supported the Vote.

MR. WATKIN WILLIAMS said, hon. Members had entirely missed the point of the objection of the hon. Member for Swansea to the Vote. Nobody doubted that investigations of this kind were of inestimable value; but the question was, if they granted this sum, where were they to stop?

VISCOUNT SANDON said, he was glad that the hon. Member for Swansea had

brought that question up, as it enabled him (Viscount Sandon) to say that he had thought it right to communicate in regard to it with the right hon. Gentleman the Member for the University of London (Mr. Lowe) who had been Chancellor of the Exchequer at the time when it was first inserted in the Votes. That right hon. Gentleman informed him that he had been very much struck at the time when Rinderpest was prevalent, by the important results of investigations he had instituted with reference to the origin of that disease among cattle, and had been led thereby to think that there might be great advantage in trying in a similar manner to find out the causes of some of the most serious and obscure disorders which afflicted mankind—as, for example, tubercle, typhus, and cancer. The investigations involved a vast amount of labour, and required the most delicate and expensive apparatus, so that no man of science, unless he had a large private fortune, would undertake them. That was the justification for the Vote. The population was devastated by those grievous and obscure diseases which he had mentioned, and from our ignorance of their causes, medical science could do comparatively little to combat them: surely, then, it was a wise thing to search out the origin of such diseases, and as such slow and unremunerative investigations could seldom be carried on by private enterprise, it seemed right and proper for the Government to undertake them. This being a matter which most seriously affected the health of a large part of the population, he thought it was a proper subject for Government action, and he, therefore, quite approved what the right hon. Gentleman had done. He would be extremely loth to see the expenditure cut off. The sum was but small, and one gentleman—Dr. Sanderson—who was prominently connected with the investigations not only got no remuneration on account of them, but he believed was actually at some expense out of his own pocket. He was assured that these researches were acknowledged to be of extreme value by not only leading men in England, but by the most scientific men in Germany and France.

SIR GEORGE BOWYER was of opinion that Dr. Sanderson ought to be properly remunerated for his labours.

*Viscount Sandon*

The whole expense of such investigations should be thrown upon the nation, and not shared with an individual.

MR. HOPWOOD said, that the objection to this Vote was, that there were scores of other directions in which such investigations might as well be carried on at the public expense as in this particular one, and if they agreed to the Vote he did not see where they could stop.

Question put,

The Committee *divided*:—Ayes 27; Noes 165: Majority 138.

Original Question put, and *agreed to*.

(8.) £105,531 to complete the sum for the Board of Trade.

MR. MONK asked for information respecting the vacation employment of Inspectors of Railways whose salaries they were now called upon to vote? He wished to know if there was any truth in the rumour that one of these Inspectors was about to proceed to Constantinople to engage in a heavy arbitration case in reference to Turkish railways; and, if so, whether the Government had given their sanction to his undertaking the task. He trusted the rumour was without foundation, even though it should appear that English subjects were interested in the railways in question.

SIR CHARLES ADDERLEY said, that Captain Tyler was about to spend his vacation not in conducting an arbitration, but in making a report to the Turkish Government upon the railways recently constructed in European Turkey. Last year Captain Tyler spent his vacation in making a report on the Erie Railway. He received permission from the Board of Trade to do so, and he (Sir Charles Adderley) defended that permission in that House, on the ground that it was a matter within the discretion of the head of the Department, who was responsible to the House. In the present case, this was no question of the inspection of a railway undertaking by a private company, the request having been made by the Turkish Government through the Foreign Office. The Board of Trade had consequently given the desired permission, and Captain Tyler had already left England on his mission.

SIR JOHN LUBBOCK said, he could not regard the explanation of the Pre-

sident of the Board of Trade as satisfactory, and hoped that the act would not be drawn into a precedent.

MR. FORSYTH said, that if Captain Tyler was to receive Government pay for this mission, they ought not to pay their officers to make reports for other Governments; and if he was not to receive Government pay, still his report would be published in the newspapers, and if favourable would be held to give a sort of Government guarantee or sanction to the railway in question. Last year Captain Tyler was allowed to spend his vacation in making a report on the Erie Railway. English speculators advanced their money on the strength of that report, which was on the whole favourable to the undertaking. If the Government once allowed their officers to make reports in this way, they would next go to Russia and other countries, and no one knew where the practice would stop. We ought to keep our public officers for public works in England.

SIR H. DRUMMOND WOLFF said, we were bound to assist Turkey in her material progress, and thought that the Board of Trade had exercised a proper discretion.

SIR WALTER BARTTELOT said, he thought it was a matter for serious consideration whether officials of the Board of Trade should be allowed, during their holidays, to go on a tour of inspection of foreign or colonial railways, thereby earning money, especially after what had occurred with regard to the Erie Railway, and after the remonstrances that were made from both sides of the House last year.

MR. WHITWELL said, that after what had occurred with regard to foreign loans, our Inspectors should not be allowed to put their *imprimatur* on any foreign undertaking whatever.

MR. MONK disclaimed any intention of making an attack on Captain Tyler.

MR. MACDONALD gave Notice that, if it ever again occurred that Captain Tyler or any other officer was allowed to devote his time to other services than those which he had undertaken to fulfil in this country, he would move the disallowance of his salary for the time he was employed, and most certainly divide the House on the subject.

SIR CHARLES ADDERLEY maintained that the permission given to

Captain Tyler last year and again this year was perfectly justifiable. He contended that it was right, and proper, and wise, and good, and beneficial. In both cases he presumed Captain Tyler was paid by those who employed him. In regard to the Erie Railway, he expressed no opinion either in favour of or against it, but merely gave his recommendations about putting the line in order. Captain Tyler's vacation was for two months, and he maintained that, both last year and this year, it was spent usefully, both for those who employed him and also for the country. An active officer's vacation was not to sit still and do nothing. It would also have been an extraordinary thing to have refused the request of the Turkish Government.

MR. MACGREGOR said, he noticed the appearance of a new official—the Solicitor to the Board of Trade. He wanted to know what his duties were to be. He would be satisfied if he were to be employed in connection with inquiries into casualties; but he would object to him if he was to be employed carrying on lawsuits, of which we had had quite too many with shipowners already, and all of them resulting in the country losing them, and having to pay all the costs on both sides.

SIR CHARLES ADDERLEY said, he would be principally engaged in connection with inquiries into casualties.

MR. FORSYTH asserted that at the end of his report on the Erie Railway, Captain Tyler had expressed an opinion in favour of the prospects of the line if it were prudently managed. He objected to a Government officer being allowed to go out and express an opinion that inspired confidence in a railway which had led to disaster.

SIR H. DRUMMOND WOLFF said, the object for which Captain Tyler was going to Constantinople was to tell the Turkish Government, as an expert, whether they ought to pay a certain sum of money or not, amounting to £800,000 to a contractor, in respect to a certain railway. The railway in question was not going to appeal to the British public for capital.

MR. MACDONALD thought if that practice were to be encouraged, they might have British officials reporting in favour of foreign oil wells and "salted" diamond fields.



MR. FIELDEN thought, if Captain Tyler was not sufficiently paid for his services he should be paid more; but he should be required to give up the whole of his time to his own Government. Great abuse would creep in if they allowed British officials to employ their vacations in that way, and the Government might be compromised by the opinions they gave.

SIR JOHN LUBBOCK said, his objection was based on the ground that a public officer's holiday ought to be a real one, which would refresh him after his year's labours. If the Government invited any of their officers to give assistance to foreign Governments it should not be in their holidays.

MR. HARDCASTLE thought it exceedingly objectionable that an officer holding an official position under the Government should have been permitted to lend any sanction to such an undertaking as the Erie Railway.

MR. RAMSAY condemned the principle of the Board of Trade sending out an officer like Captain Tyler to inspect foreign railways and give his opinion on the matter.

THE CHANCELLOR OF THE EXCHEQUER said, the matter required consideration, for in accordance with their engagements, it was, no doubt, as a general rule, desirable that public servants should devote the whole of their time to the service of the public. He did not know that there was anything in the circumstances under which Captain Tyler was connected with the Erie Railway which could fairly be held to commit the Government. In the present case an application had been made by a foreign Government for the services of Captain Tyler for a particular duty, and his right hon. Friend near him seemed to think that duty could be discharged without inconvenience to the public service. Under these circumstances it would, he thought, be hard and contrary to the practice which had hitherto prevailed to interfere with the manner in which Captain Tyler might employ his vacations. He, at the same time, admitted that the whole question was one which required to be dealt with, and the attention of the Government would be directed to it between this and next year.

MR. WATKIN WILLIAMS said, nothing could be more unsatisfactory than the Board of Trade inquiries into

shipwrecks, and that at an enormous waste of money. There were not two parties desiring to arrive at particular results; but it was a kind of philosophical inquiry held at Greenwich, at great inconvenience to the professional men engaged. The nautical assessors were not always equal to conducting the inquiry, and the results were simply nil.

MR. HERSCHELL defended the inquiries, and declared that much good was derived from them. He did not, however, deny that the expense of such inquiries might be reduced.

MR. PLIMSOLL thought the way in which the money was spent was worse than useless. If half the sum were honestly expended in trying to prevent unseaworthy ships from going to sea, instead of being squandered in farcical inquiries intended to throw dust in the eyes of the public, the loss of life at sea, he believed, would be diminished by half.

MR. SALT hoped that in future, there would be some clearer specification of the manner in which the money was spent.

*Vote agreed to.*

(9.) £2,249, to complete the sum for the Privy Seal Office.

MR. DILLWYN objected to the Vote on the ground that an officer who had no ostensible duties to perform ought not to receive a salary. He should therefore move its omission.

*Motion made, and Question put,*

"That a sum, not exceeding £2,249, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Salaries and Expenses of the Office of the Lord Privy Seal."

The Committee *divided*:—Ayes 124; Noes 44: Majority 80.

*House resumed.*

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

INFANTICIDE BILL.—[BILL 43.]

(Mr. Charley, Mr. Whitwell.)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Short title) *agreed to*.

Clause 2 (Repeal of proviso to sect. 60 of the 24th & 25th Vict., c. 100).

MR. MORGAN LLOYD alleged that the clause would render the accused liable to be tried twice over, first for murder, and next for manslaughter, and moved that it be omitted.

MR. CHARLEY defended the clause, which he said was based on the recommendation of the Select Committee.

MR. WADDY opposed the clause.

THE SOLICITOR GENERAL supported it.

Question put, "That the Clause stand part of the Bill."

The Committee *divided*: — Ayes 76; Noes 10: Majority 66.

Clause 3 (Wounding new-born child and causing its death to be felony punishable with penal servitude).

MR. MORGAN LLOYD moved to omit the words "and thereby cause its death," from the clause.

MR. DILLWYN moved that the Chairman report Progress, and ask leave to sit again.

Motion *agreed to*.

House *resumed*.

Committee report Progress, to sit again upon *Monday* next.

#### SALE OF INTOXICATING LIQUORS ON SUNDAY (IRELAND) BILL.

##### PETITION FROM DUBLIN.

MR. MELDON, in moving that the Order for the said Petition to lie on the Table be read and discharged, said, his reason for the Motion was that many of the signatures to the Petition were forgeries and others fictitious.

Motion made, and Question proposed,

"That the Order, that the Petition from Dublin, against the Sale of Intoxicating Liquors on Sunday (Ireland) Bill [presented 28th May] do lie upon the Table, be read, and discharged."  
—(Mr. Meldon.)

SIR CHARLES FORSTER, in opposing the Motion, paid a compliment to the working men for the absence from the Petition of any impropriety, and said he would regard it as an infringement on the right of Petition to interfere with the free expression of their opinions upon a matter which concerned them so nearly. There was no case against the Petition, as only 30 signatures had been objected to out of nearly 12,000.

Motion, by leave, *withdrawn*.

House adjourned at Quarter past Two until Monday next.

## HOUSE OF LORDS,

*Monday, 14th June, 1875.*

### MINUTES.]—PUBLIC BILLS—*First Reading*—

Local Government Board's Provisional Orders Confirmation (Bromley, &c.) \* (149); Local Government Board's Poor Law Provisional Orders Confirmation (Oxford, &c.) \* (150); Local Government Board's Provisional Orders Confirmation (Abingdon, Barnaley, &c.) \* (151); Chelsea Hospital (Lands) \* (152).

*Second Reading*—Municipal Elections \* (83); Pier and Harbour Orders Confirmation (No. 2) \* (135).

*Committee—Report*—Local Government Board's Provisional Orders Confirmation (No. 3) \* (127).

*Report*—Landed Estates Act (Ireland) Amendment \* (97).

*Third Reading*—Inns of Court \* (140); Public Stores \* (110); Public Health (Scotland) Provisional Order Confirmation (No. 3) \* (121), and *passed*.

*Royal Assent*—Customs and Inland Revenue [38 *Viet.* c. 23]; Explosive Substances [38 *Viet.* c. 17]; Seal Fishery (Greenland) [38 *Viet.* c. 18]; Bishops Resignation Act (1869) Perpetuation [38 *Viet.* c. 19]; Public Entertainments [38 *Viet.* c. 21]; Justices (Dublin) [38 *Viet.* c. 20]; Post Office [38 *Viet.* c. 22]; Military Manœuvres [38 *Viet.* c. xxxiv.].

### PRIVATE BILLS.

Ordered, That so much of the Standing Order of the 15th day of March 1859 which requires "that the Examiner shall give at least two clear days notice of the day on which any Bill shall be examined," and also section 9. of Standing Order No. 178., be *dispensed with* for the remainder of the Session.

### BIRMINGHAM (CORPORATION) WATER BILL.

*Moved*, "That the Bill be now read 2<sup>a</sup>."

LORD HAMPTON rose to call the attention of the House to the omission on the part of the Corporation of Birmingham to comply in the case of the said Bill with the requirements of the 63rd section of the Birmingham Improvement Act, 1851; and he would move that the Bill be read a second time that day three months. The Bill was one to compel the Birmingham Water Company to sell and to enable the Corporation of Birmingham to purchase the waterworks of that Company. That Company had, he believed, supplied Birmingham with water for many years without any complaint as to their supply, and had always admirably fulfilled its obligations. The

Corporation had obtained the power of purchasing those works by an Act passed in 1851—the Birmingham Improvement Act—by a clause to the effect, that with the consent of the Water Company the Corporation might purchase the works, and if any question arose as to price that was to be settled by arbitration. In 1854 the Corporation gave notice of their intention to purchase, but did not take any further steps, and nothing had been done since in that direction. The Act of 1851 provided that such power to purchase should not continue beyond seven years; and accordingly since 1858 the Company, considering that compulsory purchase by the Corporation under the Improvement Act was out of the question, proceeded to expend £60,000 on new works and to double their expenditure. They were therefore entitled to protest against this resumption, contrary to the terms of their own local Acts, of the power to purchase. He resisted the present Motion also on two other grounds—namely, that there was not a single Parliamentary precedent for a Corporation thus seizing upon the property of a company against its will; and, secondly, that there never before was a Bill which arbitrarily fixed the sum to be paid for such a property. The Improvement Bill of 1851 distinctly laid down the principle that the price should be fixed by agreement or by arbitration; and the Chairman of Committees in the House of Commons, in stating that he did not intend to offer any opposition, or recommend any course of action, added that he did not think it right such a flagrant violation of Parliamentary rule and ordinary justice should escape notice, as otherwise the House might unwittingly be drawn into a dangerous precedent. Another objection to the Bill was that the Company had not complied with the requirements of the Birmingham Improvement Act of 1851, which required the consent of the ratepayers to be obtained in a certain form before a purchase such as that proposed could be undertaken by the Corporation. It was true that a meeting of the ratepayers had been held, but not until after the Bill had been introduced, and gone through some, at least, of its stages in the House of Commons. A further consideration which ought to influence their Lordships was that the passing of this Bill might endanger to

some extent the regular supply of water which the Company had given Birmingham, and which it proposed to still further improve. No case was made out for the Bill; and under those circumstances he hoped their Lordships would agree to his Amendment that the Bill be read a second time that day three months.

Amendment *moved* to leave out “now” and insert at the end of the Motion “this day three months.”—(*The Lord Hampton.*)

LORD ABERDARE hoped their Lordships would not sanction the unusual course proposed in the Amendment of his noble Friend. The objections were such as might have been urged when the Bill was before the other House, and he thought it unfair not to have taken the sense of the House of Commons on those objections by moving the rejection of the Bill in that House on the third reading. Birmingham had been remarkable for escaping the ravages of cholera in past times, and that freedom had been attributed in a great degree to the excellent supply of water. In the last year, however, the mortality had largely increased, and it had been discovered that of 2,042 deaths which had occurred in Birmingham, 728 were caused by diarrhoea. This led to inquiry, and the local authorities discovered that, according to some witnesses, 70,000, according to others one-third of the inhabitants of Birmingham, had recourse to shallow wells for their drinking water. It was evident, therefore, that the great increase in the density of the population rendered a better supply of water an imperative necessity. He denied, and the Corporation of Birmingham denied, that the compulsory powers of the Act of 1851 had expired. That question had been raised in the Select Committee of the House of Commons on the Bill. The reason why the Corporation came before Parliament was that very large sums of money were required to be raised. The only opponent of the Bill was the Water Company. No other body and no individual in Birmingham had petitioned against it. He contended that the sanction of the ratepayers had been substantially obtained, and that was the opinion of the Select Committee of the House of Commons after having heard the objec-

tion of non-compliance argued before them. A meeting of the ratepayers had been called, though not till after the Bill was promoted. There was no dissent at that meeting from the course taken by the Corporation. As to the price, he had never heard that the Company objected to the terms at which the Corporation proposed to purchase.

THE EARL OF SHREWSBURY supported the objections urged by Lord Hampton, and said that the Water Company had carried on their operations with great advantage to the town of Birmingham.

THE MARQUESS OF HERTFORD believed it would be much in the interest of Birmingham if their Lordships agreed to the Amendment and rejected the Bill.

THE EARL OF CATHCART said, it was the tendency of the day to rely more on merits than on technicality. On that ground he hoped their Lordships would read the Bill a second time and send it to a Select Committee in the ordinary course.

LORD REDESDALE said, he did not regard as a technicality compliance or non-compliance with the provisions of an Act of Parliament. He believed that if the objection brought forward by the noble Lord (Lord Hampton) had been made before the second reading of the Bill in the House of Commons it would have proved fatal to the Bill. If there was any opposition on the part of the ratepayers he thought it would be impossible to proceed with the Bill now; but, as there was no such opposition, the objection might now perhaps be regarded as coming too late to induce their Lordships to prevent the Bill from going before a Select Committee by rejecting it on a second reading.

EARL GRANVILLE thought that after the moderate speech of the noble Lord the Chairman of Committees their Lordships would see their way to a decision on the question before them. In giving the Bill a second reading their Lordships would be expressing no opinion on the compliance or non-compliance on the part of the Corporation with the requirements of the Act of 1851. The Select Committee of the House of Commons had had that question before them, and seemed to have arrived at the conclusion that any irregularity in point of form of which the Corporation had

been guilty had been condoned by the ratepayers, and the ratepayers themselves had made no complaint to their Lordships. As the Bill had been passed by the other House, he thought there was no good reason why their Lordships should not read it a second time.

THE LORD CHANCELLOR thought the objection should have been made on the second reading. The objection of the noble Lord (Lord Hampton) was founded on non-compliance with a particular clause in a local Act. But the provision in the Act of 1851 was one which Parliament had introduced in Improvement Acts promoted by Municipal Corporations as a check on their wasting the public funds in the promotion of Bills, and also as a protection to the minority of the ratepayers. In this case—from an oversight as it would appear—the Corporation of Birmingham had neglected to comply with the form of the provision, because it had not summoned a meeting of the ratepayers till the Bill was already in Parliament. That was an irregularity on which a Court of Law must have acted if its authority had been invoked; but it was not for Parliament to interfere and refuse to allow a Bill to be proceeded with, merely because that had not been obtained in form which in substance and reality had been obtained. The Corporation had run a great risk, because if, instead of assenting to the Bill, the ratepayers had refused their assent to it, the members of the Corporation would have had to put their hands into their own pockets and pay for the promotion of the Bill; but, as there was no dissent on the part of the ratepayers at the meeting held after the Bill was promoted, he thought their Lordships ought to allow the Bill to be proceeded with.

On Question, That ("now") stand part of the Motion? *Resolved in the Affirmative*; Bill read 2<sup>d</sup> accordingly, and committed.

#### POOR LAW.—RESOLUTION.

LORD LYTTTELTON, who had given Notice to move—

"That it is expedient in the administration of the Poor Law to revert more nearly to the principles laid down in the Report of the Commissioners of Inquiry (1833), with a view to the ultimate discontinuance of out-door relief."

said:—My Lords, perhaps I need hardly



say that I do not much expect—I am not sure that I have any decided wish—that this Resolution should pass at this moment. We know the Parliamentary objection to abstract Resolutions; and this is so far abstract that it does not point to any immediate or specific legislative or executive measure. But we do not disapprove of such a Resolution when it is as a peg on which to hang a discussion on an important subject. The importance of the present subject will be admitted; and so, I hope, will be its special importance at the present time, and that the time is suitable for the discussion. I am glad to find that the same proposition, in principle, with mine, is about to be laid before the other House by Professor Fawcett, whose recent work on *Pauperism* I venture to commend as a manual of sound doctrine on the question. Now, it is of advantage in a question like this, of such magnitude and complexity, when we can dispense with long historical investigations and with a recurrence to first principles. So here, there are one or two assumptions I shall make, to which I anticipate general assent; and if anyone should think that they are even truisms which it is needless to mention, I would request him to think twice before he maintains that opinion. And the first may be this—that pauperism is an evil, and should be felt to be so by all classes. Is this a truism? Well, I hope it is. But let us be sure that we give a sufficiently wide sense to the word pauperism. It does not mean simply the receipt of doles, alms, for nothing. It means maintenance, as regards the necessities of life, in return for real work, for sham work or for no work at all, out of a public fund on which one has a right to draw if destitute of any of the said necessities. And if this is a truism, at least it is a recent one, or a return to what may have been held in old times. From about 1600 to about 1800, so far from pauperism, in at least one of its forms, having been an acknowledged evil, the system of public work to be found for all applicants—*ateliers nationaux*—in every parish, as really such as ever were propounded by French revolutionists—was advocated by a stream of authorities as a specific, if not a panacea, for all our difficulties. But on this I need not dwell. I assume the reverse: that what we all wish is that the labouring class should look more and

more away from any such compulsory resource, and rely more and more on the natural course and progress of commercial prosperity, on the natural value of their own right hands. The next assumption may be that a Poor Law we must have; and the definition of our Poor Law may be drawn from what I have said about pauperism. I dwell on it for a moment, because it has been sometimes denied or doubted that there is such a legal right to relief as I have stated. But this is a mere question of expression. A right is not less a real legal right because it is contingent. It is, no doubt, contingent on the fact of destitution, and the fact may be denied by the authorities at their peril. But if it exists—above all, if it is proved by the death or serious illness of the applicant—the authorities would certainly have violated the law in refusing relief; and this is virtually identical with the existence of the right. Is this, too, a truism? I fear it is. I say, I fear it, because if we admit that pauperism is an evil, it follows that a Poor Law is at best a necessary evil, or the lesser of two evils; for a Poor Law inevitably generates pauperism. If we have a law declaring that in no circumstances can any one by law starve or die of cold, it is quite certain that there will always be some to avail themselves of that law. If we have a pauper law, we shall have paupers. Still, I am prepared to admit that the law is right; though I do so on the sole ground of humanity: and I think it may be said that in fact the principle of our law exists in all Christian countries. Mr. Doyle, the Poor Law Inspector, has recently laid before the Local Government Board a series of documents, which may be taken in continuation of a similar work formerly by the late Mr. Senior, respecting the relief of the poor on the continent of Europe; and from his introductory paper I should gather, that where there is not a formal and direct law, the law recognizes and assists charitable institutions in such a way that it comes much to the same thing. It may be interesting to notice in passing, that it seems doubtful if this right to relief is part of our ancient law. It is at least probable that as an express right, it dates from a judgment of the Court of Queen's Bench in 1801. The case was that of a foreigner found destitute; and it is notable that

Lord Ellenborough, in pronouncing for his right to be relieved, quoted no authority, but placed it on the ground of self-evident common sense and humanity. Such, at all events, has been undoubted law ever since; for if a foreigner possesses that right, *a fortiori* any Englishman does. Admitting, then, what has been said, we shall surely grant further, as an inference or corollary, that if we must have a Poor Law, it should be such an one as will not stimulate, but, as far as possible, consistently with its essential object, repress and discourage pauperism. And on this basis we may proceed to inquire what has been done? How have we attempted, and how far have we succeeded in the attempt, to repress pauperism by our legislation? In answering these questions, it seems needless to go farther back than the epoch of the only effective attempt ever made as I believe, to repress pauperism by law: the date of the New Poor Law, 1834. I know it is believed by some that the Workhouse Act of 1717, Sir Edward Knatchbull's Act, had a great effect in this way during much of last century. I doubt if this can be made out, though it is possible the Act may have tended to produce some degree of equilibrium in this respect. But, at all events, whatever was done by the worthy Baronet in question in 1717, was wholly undone and reversed by another and much less worthy Baronet in 1796, Sir W. Young; whose Act threw the reins on the necks of overseers and magistrates, as the administrators of relief, and, as we all know, in about 30 years brought to pass a state of things which, had it not been sharply checked and pulled up by the Act of 1834, would undoubtedly have been the ruin of the country. A man of sagacity, when the Act of 1834 was announced, said it would be a very effective measure for 30 or 40 years, when we should begin to relapse. The question is if this was a true prophecy. It is remarkable that the Poor Law Act of 1834 made no direct change in the law. What it did was to establish a strong and intelligent central executive, with large powers to regulate and control the administration of the law. And if our excellent Friend (Sir John Leffevre) who, we rejoice to know, is a still surviving member of that executive commission, had had, with his Colleagues, Sir Frankland Lewis and Sir George

Nicholls, the resolution — perhaps I should say the power, with due support from Parliament and the Government — to meet more effectually the storm of prejudice and obloquy with which they were assailed, the result might have been different from what it is. As to what has happened, nothing would be easier, for one who had the time and the faculties, than to accumulate a vast mass of figures and facts about it. But in this Assembly, less than in most, can it be requisite to do so. Almost all your Lordships have houses in the country, and are acquainted more or less — many of you very well acquainted — with the state of things; and I can appeal to any one who is so acquainted, whether there is anything like a satisfactory appearance of any approaching extirpation, or even great reduction, of pauperism. For a more particular statement I may refer to an article in the *Fortnightly Review* for last May, by a gentleman named Roberts. I believe he is a gentleman farmer in Wiltshire. He writes in a plain style, with no attempt at historical or philosophical research, but with knowledge at first-hand of his subject from his own experience as a guardian: and he sets forth what we so well know, the settled and habitual reliance of the working class on their "little annuities," derived from the labour and property of others, instead of any result of their own exertions. Another general statement I will quote, as it is from an authority which will carry much weight; it is from the recent 4th and final Report of the Friendly Societies Commission —

"The increasing disposition of the labouring class to throw themselves upon the poor rates has been of late years a source of no little anxiety."

The Commissioners sent queries to all Boards of Guardians in England and Wales; and they say that —

"Their replies show, that while a feeling of independence may still, generally speaking, be said to prevail among the poor north of the Trent, it exists but to a very slight extent in the south. In some districts, especially in the south, the labourers always look to the Poor Law for relief in old age."

A few figures I may give, such as are always referred to in this question. In 1834, just before the new law, the amount expended on the poor was £6,317,255. In 1837, from our "first love" under that law, it was £4,044,741.

In 1873 it was £7,692,169. Of course, this must be qualified, in respect of the increase of the population. Looking, then, at the ratio per head of the poor rate, in 1834 it was 9s. 1d.; in 1837, 5s. 10d.; in 1873, 6s. 7½d. The poundage is not given earlier than 1841. In that year it was 1s. 6½d.; in 1872, 1s. 5½d. The proportion of paupers to the entire population is better. In 1841 it was estimated at 9 per cent; in 1849 at 6·2; in 1873 at 3·8. But only three years before, before the great increase in the prosperity of the country, it was 4·7. In 1873 the total number of paupers was 883,688; in 1870, 1,032,800. These results are not very satisfactory; and I would then ask, in the way we work our system, how could we expect them to be so? Let me recall to the House what I said just now, for I am sure it is the key to the whole question; that pauperism should be felt to be an evil by all classes. And surely we do not exclude from the list the labouring class itself. Surely they have much to do—many may think they have more than anyone else to do—with the determination of their own condition; and I repeat, what do we do to make them feel that pauperism is an evil? Philosophers, men of forethought, politicians, the wealthy and middle classes, the ratepayers, feel it, on grounds too obvious to need repeating: what of the labourers themselves, the very subjects with whom we are concerned? How is it possible that they should feel it, with a system of out-door relief? We must in common sense consider the kind of men with whom we have to deal. We cannot expect them to take a comprehensive view, and act on the principle that in the long run the receipt of relief is not good for their class. For a given individual, indeed, such relief may not always be bad; at all events, there would probably be many in all classes who, if they could have half-a-crown a-week for the asking, would feel very little scruple in taking it on account of remote consequences on the public welfare. The only point on which I would differ from Mr. Roberts's paper is, that he throws too much blame on the labourers themselves. But the question is still, how do we attempt to make Poor Law relief—we must not mince our words—distasteful to the working class? For even if the soundness of what is called the “deterrent

principle” be another truism, the question is not whether it be admitted as a doctrine, but how we give effect to it in practice? The recipients of out-door relief either can work or cannot. If they cannot work, it is nearly self-evident that the deterrent principle cannot be applied. We must remember the simple object of the law, that no one shall be without the necessaries of life. And if these are fully given in out-door relief, it is manifest that the recipient must inevitably be about as well off as the average of his class, or as he himself was before. Here I may just notice a singular expedient which a few years ago was adopted at Elberfeld, in Germany, in the hope, apparently, that it might be a good substitute for the workhouse system, and equally effectual in the repression of pauperism. The town was divided into a great number of small districts, each under the charge of what we should call, as to his duties, a relieving officer; but who was to be of a higher social class, and unpaid. Each was to have not more than five or six cases of distress under his charge, and the object of the law was to be attained through a system of examination into the circumstances of the applicants, incessant, minute, inquisitorial, and vexatious to an incredible degree. And it is remarkable that Mr. Doyle, the Poor Law Inspector, who was at Elberfeld on the institution of the system, and then seems to have been rather struck by it, was there again very lately, and he now speaks of it in a very different tone. Indeed, he dismisses it summarily, as obviously impracticable to us. It would be intolerable to those who should try to administer it, and to the poor either intolerable or simply inoperative. On the principle assumed, I can think of no other substitute for the workhouse, unless it be what was once so well-known as the labour test. There is no part of the question more well-worn than this, and I may say that nothing has been more decisively condemned on various solid grounds than the labour test. Here, as elsewhere, I only wish to consider it with reference to the principle on which I am mainly dwelling, that of deterrence. How can pauper labour be made, as the rule, “less eligible” than ordinary labour? Not in quality, for a great deal of the ordinary labour of the country, while quite

necessary and quite sufficient for a livelihood, is, and must always be, extremely disagreeable; not in quantity, either by smaller wages being paid for the same amount, or a larger amount being exacted for the same wages, because by the inevitable laws of social economy these things are so regulated that ordinary labour can hardly yield more than will fairly support life and health, which by the hypothesis are to be equally attained by the pauper. We come, then, to the workhouse, which, as happily is generally and sufficiently the case, is repellent to the respectable labourer. The feeling of shame and degradation attaches to it, which it is idle to expect should attach, and, as a fact, does not attach, in the minds of the unskilled labourers as a class, to out-door relief. Even the fear of it is very operative, and the power which the working class know the Guardians have, and which always has been possessed, of ordering the workhouse in any case—a power which may have led to the common expression—“He has no prospect for his old age but the workhouse,” which, in respect of the real fact, is quite inaccurate. But it is manifest that this merely contingent application of the principle is not enough. It should be observed that it is the workhouse simply as such that is adequately deterrent. I do not at all want to have them places of severe discipline; and it is quite possible that in some respects, as in the ugliness of their outward appearance, which led to their being called “Bastilles,” the principle of repulsion may have been carried too far. The mere confinement, the submission to authority, the regularity, and—in this sense—discipline of a workhouse is enough. Old people need not be made uncomfortable there; but, surely it is most undesirable that to them, or to any one else, the workhouse should be made actually attractive, as is occasionally advocated. Able-bodied pauperism is no doubt the worst, and the prohibitory Order by which it is so generally relieved in the workhouse alone, is perhaps far the most valuable result of the law of 1834. But it is evident that many of the evils of pauperism, on which I have not dwelt, as they are among the common places of the subject—such as the discouragement to forethought and thrift, and the deadening of the

sense of family obligations—apply fully as much to all other classes. Now, referring to the terms of the Resolution, I admit that the Report of 1833 does not explicitly contain the general principle that all forms of pauperism should be deterrent, or the consequent provision that all relief should be confined to the workhouse. But I believe that the real mind of the framers of that Report was to that effect, though they might not actually lay it down; and at all events, I submit that these principles do properly and logically follow from the whole tenor of the Report. Here I may be asked if I mean literally that all relief should be confined to the workhouse. Now, no doubt, to some extent, this must be a question of degree. I should be thankful for any progress in the right direction; if, for instance, as has been recently said, the converse of the present state of things could be obtained, in which in-door relief is the exception, out-door relief the rule. It is, indeed, manifest that there must be many cases in which, as long as the principle of the law remains, in the first instance relief must be given out of the workhouse. From a sudden calamity, such as an inundation or a famine, there may be no sufficient accommodation in the workhouse; or, as to individuals, a man has a sudden illness or accident, and cannot be moved: he must be relieved at home; or, without the existence of physical impossibility, there are undoubted cases in which there is a real moral certainty that the administrators of the law would not be brought to confine relief to the workhouse. Such is that, often mentioned, of “breaking up the home” of a man who only needs temporary relief for a few days. He holds on, perhaps for weeks, and if he really only wants support for one week longer before he recovers his capacity or opportunity for work, it is a pity to drive him into the workhouse. Still, I conceive there is an answer to this, depending on a more accurate view of what we mean by relief. Relief may be said to be what is actually given to a man. We give him the money or the food, and he walks off with it; it is his, and we hear no more of it. But if you lend it to him, it is different; and I believe that while there is no part of our system which is more feebly and inefficiently worked than “relief by way of loan,”



which is perfectly well known to the law, there is none from which, with a better administration, much more good might be expected. Nor do I know what objection exists to a more general use of the process, also well known to the law, of attachment of wages; it is actually in successful operation, and it is, I believe, the only case in which it is, in our system of Assisted Emigration to Australia for labourers. This is in fact poor relief by way of loan; and the labourers sign a bond to repay, which is enforced—if necessary—in the colony, if I understand it right, by attaching their wages. This system would have the great advantage, as I look upon it, that in it we should be treating the working class in the same general way as we do others, and not by the application to them of the “paternal Government” principle, as if they peculiarly needed it. For what do other people do when in difficulties? Small tradesmen and the like have just as hard a struggle to live in their way as labourers do; and what do they do? They manage to live on their credit; and so do the poor, and the loan-relief would be only continuing in another way what they have already begun. As long as their own resources or credit lasted, they would go upon them; when these were exhausted the State would step in and become the creditor, if there were reasonable prospects of their acquiring the means of livelihood. And no one would drive the matter to such a point as to say that this would be a gift only because interest might not be charged. Nothing is more annoying than to have a strong man, with not a large family, who has been earning perhaps £2 or more a-week, coming for relief the moment he is ill, having saved nothing, for he has had no sufficient inducement—and you must relieve him for he is destitute. Now on this plan, if you cannot make him save beforehand, you will put the screw upon him and bind him afterwards to repay the loan. Further, there is the great resource of voluntary benevolence; for whatever some philosophers and doctrinaires say, it is again another truism that charity will always continue in this country, and I certainly have no wish that it should not. It has always been admitted, nay contended, by all the Commissions on this subject, that charity should continue, and should

supplement the inevitable shortcomings and severities of the law. Take the case so often mentioned, of the separation of married persons in workhouses. Old couples, it is well known, by the law need not be separated. Others, it is the intention and presumption of the law, are only to make the workhouse a temporary abode; and if even it should be otherwise, or if for other reasons in particular cases, as does sometimes happen, poor persons cannot be induced to enter a workhouse, it might be a case for private charity. The difficulty indeed would be only to regulate it, so that it should not do too much. Then I may be asked what exactly I would do at present? Now, many medium plans, if I may so call them, have been proposed on this subject, but I shall only advert to one, which has lately been recommended on high authority. By an Act passed to extend Mr. Hardy’s Act, indoor relief to the amount of 5*d.* a-day per head, is now charged, in the London district, on the general metropolitan fund, out-door relief remaining as before on the parishes. This has the effect of a direct premium on the former, relatively to the latter, and, I believe, has tended much to increase in-door and diminish out-door relief. And it has been proposed to pass a general measure on the same principle, only introducing the Imperial Exchequer, from which a subvention should be paid to every Union in England, of 2*s.* a-head per week for every inmate of the workhouse. That this would have a considerable effect I do not doubt; but I do not much like this principle of a direct bribe. If indeed the system were carried further, to the extent of a national rate throughout, the question would be different. Since I read about 30 years ago, the pamphlet of the noble Earl (the Earl of Malmesbury) in favour of such a rate, I have always been disposed to believe that it might safely be adopted; but that is not now in question. My belief is, that a very short Act might be passed, simply providing that after a rather distant date—five years, 10 years, what you will—out-door relief should be discontinued as the rule; all regulations in detail to be framed and enforced by some powerful central executive. And now I will venture to adduce a remarkable instance, for encouragement to us to proceed in this

direction, of success which has already attended an attempt to do so. I refer to the well-known case of the Atcham Union in Shropshire. Sir Baldwin Leighton, the worthy son of a worthy father—for it was the late Sir Baldwin to whose intelligence and energy the successful administration of that Union has been due—has kindly furnished me with many particulars on this subject. I cannot fully give them; but a few simple figures, up to the most recent date, such as I noted before, may be stated. In the whole of England the ratio of paupers to the population was 4·2 per cent; in Atcham, 1·6. In England the cost per head on the population 6s. 11d.; Atcham, 4s. 5½d. In England the rate in the pound 1s. 5½d.; Atcham, 3d. In England, out-door paupers to in-door are as 5 to 1; in Atcham, 1 1-5 to 1. And this, notwithstanding that so late as 1871 the whole of the large and pauperized town of Shrewsbury was injected into the small rural union of Atcham. In two years, between 1870 and 1872, the out-door paupers in Shrewsbury were reduced from 519 to 152, or 70 per cent; while in 1870 in Atcham proper the number of in-door was actually greater than out-door, 154 to 139. At the same time, it will be found that the condition of the labourers in that union is peculiarly good. This has been partly attested in the Report of Mr. Stanhope, one of the Commissioners on Agricultural Employment; and it is notable that though wages in Atcham are not very high, and have received no great increase, the agitation of the Agricultural Labourers' Union, while prevalent in many neighbouring districts, made no way in that union. Similar, though not equal, results have been attained elsewhere, as at Brixworth, mainly through the exertions of Mr. Pell and Mr. Bury; at Aston by Birmingham, and in a few London unions, as Whitechapel and Marylebone. The result is due to a strict and careful attention to existing regulations, and to the discouragement of out-door relief, together, no doubt, with what should always accompany it, much general care of the well-being of the poor. There are many obvious advantages in the way of simplification and convenience of administration, which would attend the change which I advocate. There are some questions

which in our present system, I conceive, will never be quite satisfactorily settled in practice, such as, what to do with paupers who have resources, suppose voluntary pensions or allowances, to which they have no legal claim, but which they are perfectly sure to enjoy. But I will only dwell on one topic in this connection, as it has lately been treated with authority in the Report—to which I have already alluded—of the Friendly Societies' Commission. I strongly recommend the few pages in that Report, on the connection of Friendly Societies with the Poor Laws, to the attention of those interested in the subject. It is well known that Guardians often are in the habit of estimating, with a view to the amount of relief, the sum received from a Benefit Society, at one-half what it is. I believe this is of doubtful legality, and I am sure it is altogether wrong in principle, being a sort of promise or inducement to rely on the Poor Laws, to members of Institutions of which the very object is, or ought to be, to make them be and feel independent of it. But there is a superficial plausibility in it, which will always dispose Guardians to admit it. In the workhouse it is plain that all this difficulty is got rid of. The pauper's receipts from the Benefit Society of course go to his maintenance, and if, which is rare, there is any surplus, it can be kept to his credit. I will now advert to a subject of much interest in itself, and very illustrative of our subject, I mean the Scotch and Irish Poor Laws. I remember the debates in 1838 on the Irish Poor Law Bill. One of the ablest speeches ever addressed to Parliament was made against that Bill by the late Lord Fitzgerald. But that was in respect of the peculiar case of Ireland. It was vehemently attacked by Lord Brougham, on the old grounds of political economy; and I remember his expression of amazement at the double folly of Parliament in disregarding the warnings both of England and Scotland: the one as having a Poor Law, and the other as not having one, or at least one much less operative. But Lord Brougham, though, as knowing everything, he of course knew something about the matter, might have spoken differently had he known what was soon about to be brought to light by a Commission of Inquiry into the condition of

the Scotch Poor. Both the Scotch and Irish laws were based on what I have always said I conceive to be the only sufficient ground—that of simple humanity. It was felt that Scotland and Ireland could no longer continue to be nearly the only countries in Europe without an effective Poor Law. In Ireland there was a faint shadow of such a law; but so feeble and partial, that it is not even alluded to in the Act of Parliament, and may be disregarded. In Scotland there was a law, which in its theory was meant fully to provide for destitution; but its administration, in the hands of small, local, obscure, and irresponsible bodies, had been so extraordinary, that the result was absolutely grotesque, and hardly credible. It was said that old people in Ireland were found living, as to food, on 6*d.* a-week; and it is an authentic official fact that the legal relief was often 2*s.* and 2*s.* 6*d.* a-year, the rest of what was requisite to support life being had through mendicancy and other miserable means. And it will be seen on consulting the Scotch Act and the ample debates in the House of Commons on its introduction, that the whole tendency of it was to facilitate relief—to make it more easy, more accessible, more judicable, more public. This may have been right; but it cannot be said that the results have been entirely on one side. The Irish Law was wholly a new one; and it is interesting to observe the variations between the two laws on account of this difference in their inception. The Scotch Law adopted the general framework of the existing law of the country; the Irish Law extended to Ireland, with differences, the general principles of the English Law, and for the first few years it was administered by the English Poor Law Commissioners sitting in London. There are accordingly several points of distinction between these two Acts; such, for instance, as this—that in Ireland the Commissioners are expressly forbidden, as in England, to interfere in individual cases of relief, while in Scotland there is a proviso which is constantly put into practice, for an appeal in such cases to the Board of Supervision. But on the main difference which exists, I must dwell a little more. No Poor Law could be passed in those days which did not in some form or other recognize the

“deterrent” principle. Accordingly it is found both in the Scotch and Irish Acts, but in very different forms. The Scotch Act, adhering to the ancient usage of the country—I say usage, because, so far from its being expressly the law, it is said that there is a legal decision the other way—gives no right of relief to the able-bodied. It does not declare that they have no such right; it only provides that no such right shall accrue under the Act. This restriction, though it has more than once been recommended on high authority, I conceive to be quite illogical and untenable, assuming the ground of humanity as the basis of this law; for if an able-bodied man is destitute, how can it be more consistent with humanity that he should starve and die, than that any one else should? Such, however, being the principle on which the Scotch Law mainly relies, the workhouse principle, which does exist under the law, is, as might be expected, relatively weak. There is a passage about in and out-door relief in the First Report of the Scotch Board of Supervisors, which might almost have been written by Mr. Cobbett, or by one of the early opponents of the English Poor Law, and which shows on the part of Sir John M’Neill and his able colleagues, a total want of apprehension of what we here consider to be the real object of the “workhouse test.” For the present state of things my chief authority is that of a writer in a recent volume published by the Cobden Club, Mr. M’Neill Caird. He writes carefully, and draws from official documents; and he writes as a Scotchman, with no disposition to magnify any existing evils in his country. There are poor-houses in Scotland, but apparently on no regular system; and when they have them they do not always use them as we do. As an example, I may mention that in Kirkcudbrightshire, where poor-house accommodation does exist, of 87 women, with 207 illegitimate children, only 3 with 8 children were in the poor-house, all the rest receiving out-door relief. I need not say that if there is an absolute rule with us in England, it is that such cases shall only be relieved in the workhouse. If we compare the general state of pauperism in Scotland with that in England, I find that on a given day recently there were 3·3 per cent in Scotland against 3·6 in England.

*Lord Lyttelton*

"But the figures on which the English calculation is based include 124,925 adult able-bodied, besides their children. As the able-bodied do not receive relief in Scotland, England is heavily weighted in the comparison. Putting aside the able-bodied, the ratio of persons receiving relief was in Scotland 1 in 28, in England 1 in 31."

And even if all "casuals" were deducted on the Scotch side—and without counting the children of the English able-bodied—the result would still be, in Scotland 1 in 30, in England 1 in 31. The pound-rate on the English gross rental was 1s. 3½d., in Scotland 1s. 1½d., or within 2d. as much, notwithstanding the difference as to able-bodied and the long-established pauperism in England, and the thrifty habits of the Scotch. In the comparison of Scotland with Ireland, I will only mention one fact. The poor rate collected annually in Scotland, on an average of four years, was £815,775, in Ireland only £772,322, notwithstanding the same difference as before as to the able-bodied, and that the population of Ireland was 5,402,759, in Scotland only £3,360,018. On the general state of the Scotch workpeople, I will again quote a sentence from the Evidence before the Commission on Friendly Societies:—

"There is a growing class in Scotland who feel that they need not insure in any Friendly Society, as the Poor Law provides them with a certainty of sick pay."

And I add one more passage, though it has been recently printed, because of its singular force. It is from evidence given by Mr. Briscoe, Superintendent under the Scotch Poor Law—

"Out-door relief in the Highlands has deteriorated truth, industry, morality, self-respect, self-reliance, the natural affections, independence of character: it appears as if the whole of the humbler classes had completely changed their character. There is no shame whatever in demanding relief, even among some of higher station. This state of things in the Highlands is perfectly deplorable, and every person admits it."

It is true that this statement was made 11 or 12 years ago. But I adduce it as an illustration of the tendency of out-door relief; and in that view, the sooner it was after the change in the law, the more strongly does it show its tendency. In Ireland this deterrent method was provided, as in England, through the workhouse. The whole law was to be found within the corners of the Act; and it expressly prohibited relief being given in any way except as the Act

directed, which was limited to the workhouse. Indeed, it did not even promise relief to all; giving preference, in case of deficient accommodation in any workhouse, to resident destitute, and making no provision at all for the others. But the "destitute" indiscriminately were to be relieved; and, as I have said, that there must be sudden emergencies which anywhere would put to a severe trial the system of in-door relief, it was nearly certain that such would be the event in Ireland, where the bulk of the population lived on the coarsest and cheapest kind of food, with no resource beyond it if it came to fail. The Irish Famine broke down the workhouse system as an exclusive one, and the Extension Act of 1847 gave unlimited power to administer out-door relief, subject only to the discretion of the Commissioners, and to some well-intended provisions for possible future revocation. But, *canis à corio nunquam absterrebitur uncto*, and it is not likely that such a population as the Irish, having once tasted of out-door relief, will ever abandon it. In March 1848, 50,143 able-bodied paupers were relieved out of doors in Ireland, and the total daily average of all classes was 703,762 out-door, to 140,536 in-door. This was, no doubt, exceptional, being so soon after the famine; but I find in the last Report of the Irish Poor Law Board that the average daily number of out-door paupers in Ireland rose, by constant yearly increase, between 1865 and 1873, from 12,205, to 27,509—much more than double. The general result of a survey of the effects of the Scotch and the Irish Poor Laws ought to be, I think, to confirm us in adherence to the main principle of our own law. My Lords, I hope I need not say that our main object in all this question ought to be the well-being of the poor themselves. One only point in this relation I will dwell upon, as I am enabled to illustrate it in a particular manner. Far the worst result of a lax Poor Law, I conceive, is its disastrous effect on the sense of family obligations; and I beg attention to the following extract from a letter I have received from a medical gentleman named Macnamara:—

"I have worked among the natives of India as a medical man for 20 years, and have perhaps seen more of their family life than any European in Bengal; and it is impossible for people

to realize the devotion of children to parents, and the wonderful self-sacrifice practised by the young to support the aged and sick of the family. This feeling is as strong among the lower as in the higher classes; and I need not remind you that there are no Poor Laws nor public charity of any kind in India, but a vast amount of private charity:"

confirming what I have said as to the distinction between public and private aid. Thus does a Heathen country contrast with a Christian one after centuries of a Poor Law. At the outset I ventured to hope that the present time would be deemed a suitable one for this discussion, and for any attempt to wean the working class from reliance on the fatal gift, the *doron* 'adoron of public relief. It is so because it is a time of prosperity. Should the present promise of an abundant harvest be realized, and should we be further blest with a succession of good harvests, the probability is that the condition of all classes, and of the labourers in particular, will be permanently raised; for of course the law is by no means the only agent that affects that condition. We are glad to know that from various causes their condition has improved and is improving; our object should be that the Poor Law and its administration should work in the same direction. We know there are serious counteracting evils to the good of prosperity. Nothing in such times is more distressing than the waste of the resources of the labouring class: their not working nearly as much as is perfectly consistent with their comfort and health, and squandering the produce of the work which they do render, so that often their wives and families are no better off in good times than in bad. In my own country I hear of a notable instance of this. We have, as in almost all parts of the country, a system of allotments or field-gardens for the poor. We have had it for many years, and have never found any difficulty in obtaining tenants; but I am now told that from the high wages of the working people, they care but little for their bits of land. Nothing can be, of course, more short-sighted; but we aggravate the evil in so far as by our legal system we weaken the springs of forethought and thrift. Nor can we work effectively in the right direction, except by some self-acting test. In Staffordshire and Worcestershire the nailers are doing better than ever they have been; but they of course, as far as

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possible, hide it from the Guardians whenever they choose to apply for parochial relief. There is also, no doubt, an unfavourable effect of such times on the minds of many of those from whom Guardians are chosen. Prosperous and lightly-burdened times tend to make them careless and lax in the custody and administration of public funds. The more important is it, then, to bring to bear upon them a strong central control, and a weight of opinion from the Government, from Parliament, and from the country. My Lords, it will be no small thing for the people of this generation in England, if—to the many triumphs and benefits which they have achieved and received—if to the countless inventions, discoveries, and improvements in science, the great sanitary reforms, the spread of education, the revival of religion, they shall be able to add and bequeath to their posterity some real, effectual, lasting check to one of the most deadly and spreading plagues that can affect a civilized and industrial community—the plague of pauperism.

*Moved*, That it is expedient in the administration of the Poor Law to revert more nearly to the principles laid down in the Report of the Commissioners of Inquiry (1833), with a view to the ultimate discontinuance of out-door relief.—(*The Lord Lyttelton*.)

THE DUKE OF RICHMOND said, he was far from complaining either of the Motion or of the manner in which it had been supported, and should confine himself to the practical issue raised by the noble Lord, and show how the authorities had carried out the Poor Law Act of 1834. The noble Lord had himself anticipated that his Motion was not likely to receive their Lordships' assent, and he had even understood him to say that he did not know that he entertained any decided wish in that direction. There could be no doubt from the figures produced by the noble Lord—and which were unimpeachable—that out-door relief had increased very largely in Scotland and Ireland within the last few years; but he could not admit the accuracy of his noble Friend's statements made in regard to the Highlanders of Scotland, and he did not believe that the alleged deterioration in the character of the population was capable of proof. A more exact inquiry would, he doubted not, free the character of the Scotch



people from the imputation cast upon them. He did not think, also, that the noble Lord had correctly stated the views of the Commissioners of 1833 as implied in his Resolution. It was quite true that by a decision of the Court of Queen's Bench every man in this country had a right to relief. The noble Lord said in his Resolution, that it was desirable in the administration of the Poor Law

“to revert more nearly to the principles laid down in the Report of the Commissioners of Inquiry (1833), with a view to the ultimate discontinuance of out-door relief.”

Now, on the contrary, he (the Duke of Richmond) maintained that from the year 1834, when the Poor Law Act was passed, to the present time the successive Governments of this country had, with more or less stringency, carried out the views entertained by the Poor Law Commissioners, and had restricted the system of out-door relief as far as possible. All that the Commissioners of 1833 insisted upon was that “out-door” relief should not be given to able-bodied paupers; and that was practically the rule on which the Boards of Guardians had acted as far as was possible. The subject was one of the most important that could occupy the attention of Parliament, and their Lordships owed a debt of gratitude to the noble Lord for giving them an opportunity of discussing it calmly and dispassionately, and of exchanging the views which they must have derived from a practical knowledge of the working of the system. The Commissioners of 1833 said—

“The great source of abuse is the out-door relief afforded to the able-bodied on their own account, or that of their families,”

and their first recommendation was as follows:—

“That, except as to medical attendance, and subject to the exception respecting apprenticeship hereinafter stated, all relief whatever to able-bodied persons or to their families otherwise than in well-regulated workhouses—that is, places where they may be set to work according to the spirit and intention of the 43d Elizabeth—shall be declared unlawful, and shall cease in manner and at periods hereinafter specified, and that all relief afforded in respect of children under the age of 16 shall be considered as afforded to their parents.”

This recommendation, their Lordships would observe, was limited to out-door relief, and it even contained an exception in favour of medical attendance. With respect to out-door relief the Commissioners said—

“That the out-door relief to the impotent, using that word as comprehending all except the able-bodied and their families, is subject to less abuse,”

and there was nothing in the Report to show that they contemplated so severe a measure as that all aged, infirm, and sick persons should be required to come into the workhouse. The Commissioners did not contemplate that the measures recommended by them would be sufficient to abolish pauperism, as the remarks of the noble Lord would lead their Lordships to suppose. In the conclusion of their Report they said—

“It will be observed that the measures that we have suggested are intended to produce rather negative than positive effects, rather to remove the debasing influences to which a large portion of the labouring population is now subject than to afford new means of prosperity and virtue. We are perfectly aware that for the general diffusion of right principles and habits we are to look not so much to any economic regulations and arrangements as to the influence of a moral and religious education.”

After the Report of the Poor Law Commissioners the Poor Law Amendment Act of 1834 became law, and one of its clauses enabled the Commissioners to regulate the relief to able-bodied paupers and their families out of the workhouse. The clause was as follows:—

“And whereas a practice has obtained of giving relief to persons or their families who, at the time of applying for or receiving such relief, were wholly or partially in the employment of individuals, and the relief of the able-bodied and their families is in many places administered in modes productive of evil in other respects; and whereas difficulty may arise in case any immediate and universal remedy is attempted to be applied in the matters aforesaid; be it further enacted that from and after the passing of this Act it shall be lawful for the said Commissioners, by such rules, orders, or regulations as they may think fit, to declare to what extent and for what period the relief to be given to able-bodied persons or to their families in any particular parish or union may be administered out of the workhouse of such parish or union by payments in money, or with food or clothing in kind, or partly in kind and partly in money, and in what proportions, to what persons or class of persons, at what times and places, on what conditions, and in what manner such out-door relief may be afforded.”

This clause showed the mild and tentative manner in which the Commissioners were to proceed. He had had the good fortune to peruse the article of the noble Lord in *The Contemporary Review*, but notwithstanding the large experience claimed by the noble Lord, he admitted that it was impossible to approach the subject at the beginning except in a

very mild manner. It would have been impossible, indeed, at that time to carry out a rigid system of workhouse tests. The workhouses did not exist, and it was only from time to time that these buildings had grown up to meet the necessity for them. The Poor Law Commissioners of that day consequently issued a prohibitory order to various parts of the country. The Act was not applied in all its stringency to the Metropolis or the manufacturing districts, because it was impossible to carry out the workhouse test in districts where the population were exposed to sudden reverses through being thrown out of employment. It was only in the year 1841, or thereabouts, that the prohibitory order was made a general order and became applicable to the whole of the country. He would read to their Lordships the exceptions to the prohibitory order. They were—

“1. Where the relief was required from sudden and urgent necessity. 2. From sickness, accident, or infirmity affecting the pauper or any of his family. 3. For defraying funeral expenses. 4. In first six months of widowhood. 5. In case of a widow having children and no illegitimate child born after widowhood.”

That was now the law; and he doubted very much whether it would be possible within a reasonable period to abolish altogether the system of out-door relief. The policy of the central authorities had been to discourage out-door relief; but there had been in various parts of the country a disposition on the part of the Guardians to interpret and administer the law in a very lenient manner. It was impossible at a time of low wages to expect that the labouring classes could lay by sufficient to maintain themselves in old age or to support their destitute relatives. Their condition had no doubt improved since that time; but although wages had risen, the price of almost all articles of food had risen likewise, and the labouring classes had, therefore, not been enabled to put by a sufficient sum against a season of adversity. The authorities had from time to time called the attention of the Guardians to the necessity of discontinuing the practice of granting out-door relief to the extent to which it had been carried. There had been of late conferences of Poor Law Guardians to consider how the law should be carried out, and directions had been given to the Poor Law Inspectors

to make inquiries and report upon this subject. They had done so, and their Reports—which might be usefully consulted by their Lordships—showed that the state of matters was improving. The administration of the Poor Law in regard to the workhouse test was not without its difficulties. His (the Duke of Richmond's) father was Chairman of a Board of Guardians in Sussex, and articles in the newspapers were written against him complaining of the hardships of the Poor Law and of the manner in which it was carried out by that and other Boards of Guardians. Articles in newspapers did not have much effect upon his father, and a different state of things now existed. It was, however, necessary to watch the administration of the law, and if it called for a remedy, it could be carried out with much greater success when the Government had public opinion in their favour, instead of running strongly against them. His right hon. Friend (Mr. Hardy) had carried into effect an improvement in the law on that subject already begun by his predecessor Mr. Goschen. The noble Lord had referred to a period long anterior to 1870—and that was one of the reasons why he disagreed with the Resolution. The figures would, he thought, show that about the year 1870 the highest amount of out-door relief had been reached, and that we had since been going on more satisfactorily than for several years past. The effect of placing the in-door relief upon the Metropolitan Common Fund had been highly beneficial. In 1870 the amount of out-door relief given in the Metropolis was £413,000. In 1874 it had dropped to £310,000, being a reduction of 25 per cent. In 1870 the number of out-door paupers was 114,000; in 1875 it was only 69,000. The diminution in the whole of England had also been considerable. In 1870 there was expended in out-door relief £2,899,029; in 1874 the amount had fallen to £2,801,455—a diminution of 3 per cent. In 1870 the number of out-door paupers in the whole of England was 876,600; in 1875 it was only 664,114. He could hardly make out whether his noble Friend advocated a national Poor Rate, and he should reserve his opinion on this point until he had read the noble Lord's pamphlet on this subject. The noble Lord had, however, expressed an opinion in favour of

making more use of relief by way of loans. That was a very useful mode of giving relief where it was practicable; but it was difficult to put it into operation. It ought to be resorted to when a man required relief who was usually in the receipt of high wages; but it was by no means an entire remedy for the state of things of which the noble Lord complained. It was a necessity that could not be avoided that from time to time people should go into a workhouse who were of the highest respectability, who had honourably supported themselves by their own exertions up to that time, but who were forced by uncontrollable circumstances to seek an asylum in the workhouse in their old age; and to make the workhouse such a place as the noble Lord had shadowed forth for this class of people would not be in accordance with the wishes of the great majority of the people of this country. The noble Lord said that, assuming that the infirm, the aged, and the disabled must always be admitted, there were others for whom private charity might be left to provide; but to leave them to private charity would be entirely wrong in principle; because if it was the law that no man should be allowed to starve, but that every man should be entitled to sufficient to keep him alive, we ought not to depend upon the charitable views of individuals; but we ought to provide for the able-bodied and industrious man who was, through no fault of his own, out of work and deprived of the means of subsistence. He objected to the Resolution of his noble Friend—first of all, because he did not admit that the administration of the Poor Law was not in accordance with the recommendations of the Commissioners of 1833; he maintained that it was strictly in accordance with those recommendations. He also objected to the Resolution because he did not like, by agreeing to such a Resolution, to admit that it was possible to look forward to a time when there might be a discontinuance of out-door relief.

THE EARL OF KIMBERLEY said, he strongly sympathized in many of the views of his noble Friend (Lord Lyttalton); but he agreed with the noble Duke the Lord President, that to accept his Resolution would imply a censure upon the administration of the Poor Law Board of late years, and he did not think there was any reason to complain of that

administration under any Ministry. The Board had always been disposed to carry out the principle of the Report of 1833, and to do even more, if public opinion would support them; and the noble Lord the Mover of the Resolution admitted that there were exceptional cases in which out-door relief must be given. In the general proposition, however, that there was a most urgent necessity that we should take advantage of the present improved condition of the labouring classes to enforce an improved administration of the Poor Law and the diminution of out-door relief he cordially concurred. The noble Duke unintentionally mis-stated the views of the Local Government Board, who had always held as a principle that a difference should be made in the administration of relief to the able-bodied. The noble Duke said he saw no reason why an able-bodied man should be treated in a different manner from the sick and disabled; but he had always held that it was absolutely essential that an able-bodied man should be treated differently.

THE DUKE OF RICHMOND said, that what he meant to say was that the able-bodied man should be relieved from a different fund.

THE EARL OF KIMBERLEY: At all events, the noble Duke would admit it was absolutely necessary that more stringent rules should be applied to the able-bodied than to the sick and disabled.

THE DUKE OF RICHMOND: Hear!

THE EARL OF KIMBERLEY: For himself, he had not understood the noble Lord the Mover of the Resolution to say that the workhouse should be made more deterrent, or that the treatment of the poor in the house should be made more hard and severe; but that the offer of the workhouse acted in itself as a deterrent, and he wished to offer it instead of out-door relief, because it acted as a deterrent. It was not desirable that the administration of workhouses should be made unnecessarily severe or cruel, and he did not think that that had been the case generally—certainly not of late years. On the contrary, guided by the Local Government Board, the tendency of Guardians had been to increase the comfort, and to ameliorate the condition of the poor in the workhouses. He had no objection to that; but still, if we wished to deal effectively with this ques-

tion, we must, in a certain sense, harden our hearts. Those who had to administer the law knew that the difficulty was, in case after case, to apply a general principle; and the moral was, that the Guardians must have strong support from the central authority to enable them to do their duty. He would not in any degree complain of the central authority, which, he believed, was to be trusted in this matter; but he believed this was a most opportune time to evoke public opinion in aid of the central authority, to enable them to support the Guardians in laying down more stringent rules in regard to the administration of out-door relief. It was quite true the prohibitory order had been long enforced; but he wanted to go beyond it; and unless we did, we should not touch the malady. It was not too much to say that large classes of this country were steeped in pauperism. It was not only that we had so many paupers on our roll, but what was much worse was that the curse of pauperism had entered into the minds and social habits of the people. They had lost all sense of shame in asking for relief. We must not impute too much blame to them; all men placed in the same situation would have been similarly demoralized; but having a law which insured relief in certain cases, we were bound to take the utmost care that it did not sap the independence of the people of the country. We had created a vicious public opinion by our law, and we could not expect that certain classes of people would act contrary to the opinion we had created. In nothing was the evil more flagrantly exhibited than in the loosening of the tie between parent and child. Nothing had struck him more painfully than the number of cases in which children who, by a little exertion, might have supported their parents, had neglected to do so, and the indignation with which they had resented any pressure put upon them to compel them to do so. It had been made a complaint against himself and others that they were going to make children support their parents. That showed the state of public opinion; and that such a public opinion existed was the worst thing that could be said. He submitted that we must go further than the mere refusal of out-door relief to able-bodied paupers. In the Eastern Counties generally there had been great

laxity, and the result was a large amount of pauperism. He wished that in his own district he could have shown such a result as Sir Baldwin Leighton did at Atcham; he would have been more proud of that than anything he had done in his life. What not long since existed in his union—and he dared say in a great many unions—was that when the wife of a labouring man was confined there was given, as a matter of course, a certain amount of relief to the family for a period of three weeks, the total being equivalent to the cost of providing a nurse and the other expenses attendant upon bringing a child into the world. A member of the Board succeeded in carrying by a majority of one a resolution against the practice, which was accordingly discontinued; and, instead of there being general dissatisfaction, the reasonableness of the resolution was acquiesced in, the efforts needful to meet those emergencies had been made, and that branch of relief had been cut off. We should aim at restricting out-door relief to the cases in which the head of the family, the breadwinner, was himself ill; always excepting, of course, cases of accident and infectious diseases. He did not say this should be done at once, but it was what we might aim at. He had long felt a change was necessary in regard to members of Friendly Societies. Men said—“What on earth is the use of our saving? If you give us less relief, why should we save?” That was wrong in principle; and in cases in which the Friendly Society’s allowance was sufficient, we had better cut off the relief altogether, and encourage all to cultivate the habit of independence. With reference to the loan system, he admitted that such a system might be excellent—he must, however, remind them that it was very easy to make the loan, but uncommonly difficult to recover it—it would probably end in something not very different from gifts. He thought if a great effort were made to restrict the amount of out-door relief, a considerable change in the condition of the people and of pauperism would be effected. Out-door relief should, if possible, be restricted to cases of absolute necessity. Good nature and weakness at the moment might give relief where it was not absolutely required; but an amount of evil would thereby be done altogether incommensurate with the

amount of relief to the pauper. If the law were stringently enforced, private charity would supplement its administration, softening its bearings, and filling up the chinks which the broad strict line of the law had left open.

LORD HAMPTON said, he could not refrain from saying that he entirely concurred in what had been said by the noble Lord who had introduced this subject (Lord Lyttelton), and who was entitled to the thanks of their Lordships for having done so. Last week he had presided over a meeting of the Central Chamber of Agriculture when the question of out-door relief became the subject of discussion; and the opinion was unanimously expressed that they ought to revert to a more strict system of out-door relief. He was also requested to present a Petition expressing the unanimous opinion of owners and occupiers of land representing a very considerable amount and weight of public opinion, praying that the Government would take steps to enforce a more strict administration of the Poor Law in that respect. His noble Friend (Lord Lyttelton) had made a very able speech, and had shown—and it was his own opinion—that the administration of the Poor Law in this country was much more lax than it ought to be. A period of 40 years had elapsed since the introduction of the present law, and he thought there should be an inquiry whether there could not be a more strict administration of the system. What should be borne in mind in reference to the Poor Law were humanity on the one hand and sound principles of administration on the other. His noble Friend opposite (the Earl of Kimberley) had said that they must harden their hearts against the system of out-door relief. He (Lord Hampton) did not like to adopt that language; but he thought that they must teach the labouring classes habits of self-reliance, and that they must not apply for out-door relief. He hoped that the Government would turn their attention to the subject.

EARL FORTESCUE said, that he had been engaged in the administration of the Poor Law for 30 years, and he could say from experience that two-thirds of the loans made by the Guardians had been recovered. He quite agreed with noble Lords who had spoken that the administration of the Poor Law was not

so satisfactory as it ought to be, and he could not help thinking that great good would result from the appointment of a Commission to inquire specially into the system of out-door relief. He would suggest that there should be a reprint of the original Report of the Commissioners made in 1833. It was full of sound principles and valuable information, and it was desirable that such an instructive narrative should be made accessible to all and be distributed amongst the authorities all over the country.

After a few words from Lord ORANMORE and BROWNE,

LORD LYTTELTON was understood to explain that he had not suggested that the workhouse should be made uncomfortable, but that the relief which was given should be confined to the workhouse. He begged to withdraw his Resolution.

Motion (by leave of the House) *withdrawn*.

#### LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION (BROMLEY, &C.)

BILL [H.L.]

A Bill to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Bromley, Leyton, and Redditch, and the Borough of Totnes—Was *presented* by The Earl of Jersey; read 1<sup>a</sup>; and *referred* to the Examiners. (No. 149.)

#### LOCAL GOVERNMENT BOARD'S POOR LAW PROVISIONAL ORDERS CONFIRMATION (OXFORD, &C.) BILL [H.L.]

A Bill to confirm certain Provisional Orders made by the Local Government Board under the Poor Law Amendment Act, 1867, with reference to the City of Oxford, the Parish of Stoke-upon-Trent, and the Parishes of Sutton Saint Michael and Sutton Saint Nicholas in the County of Hereford—Was *presented* by The Earl of Jersey; read 1<sup>a</sup>; and *referred* to the Examiners. (No. 150.)

#### LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION (ABINGDON, BARNSELEY, &C.) BILL [H.L.]

A Bill to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Abingdon and Barnsley, the District of Bradford (Wilts), the Boroughs of Colchester, Daventry, and Deal, the Evesham Union, the Borough of King's Lynn, the Districts of Kirkby Lonsdale and Leigh, the Mifford and Launditch Union, the Boroughs of Nottingham, Hastings, and Stafford, the Stockton Union, the Borough of Sudbury, and the



District of Todmorden—Was *presented* by The Earl of Jersey; read '1<sup>a</sup>; and *referred* to the Examiners. (No. 151.)

House adjourned at half past Eight o'clock, till To-morrow, half past Ten o'clock.

## HOUSE OF COMMONS,

*Monday, 14th June, 1875.*

MINUTES.]—SUPPLY—considered in Committee—Resolutions [June 11] reported.

PUBLIC BILLS—Ordered—*First Reading*—House Occupiers Disqualification Removal (Scotland) \* [210].

*First Reading*—Parliament of Canada \* [209].

*Second Reading*—Supreme Court of Judicature Act (1873) Amendment (No. 2) [162]; Offences against the Person Act Amendment \* [131], *debate adjourned*.

### APOTHECARIES HALL (IRELAND)— LICENTIATES.—QUESTION.

MR. LYON PLAYFAIR asked the Chief Secretary for Ireland, How many Licentiates are there of the Apothecaries' Hall in Ireland who restrict themselves to Pharmacy, that is, who do not at the same time practice medicine or surgery; and, is there any other class of chemists and druggists in Ireland who can legally dispense medicines according to prescription?

SIR MICHAEL HICKS - BEACH, in reply, said, there were very few licentiates of the Apothecaries' Hall in Ireland who restricted themselves in the manner mentioned in the Question of the right hon. Gentleman. There was no other class of practitioners in Ireland who could legally dispense medicines according to prescription.

### POST OFFICE—OCEAN POSTAL CONTRACTS.—QUESTION.

MR. JOHN HOLMS asked the Postmaster General, What Ocean Postal Contracts are terminable in 1876, and if the requisite notice has been given for their conclusion; and, if so, whether, having regard to the fact that shipowners competent to enter upon such contracts must have time given to them for preparation, it is the intention of Her Majesty's Government to call for tenders for the ful-

filment of these services; and, whether, seeing that steamers depart almost daily for the United States of America, Her Majesty's Government are prepared to avail themselves, so far as practicable, of any eligible vessel, and give no further subsidies for the conveyance of mails to that Country?

LORD JOHN MANNERS, in reply, said, that three ocean postal contracts would expire next year—namely, that with the Union Steamship Company for the Cape of Good Hope service, and those with Messrs. Cunard & Co., and with Mr. Inman for the American service. The requisite notice had already been given to the Union Company, and would, in due course, be given to Messrs. Cunard and Mr. Inman. Before the American contracts expired the Government would consider the best arrangement to be made; but at present it would be unwise to pledge themselves to adopt any particular course in regard to them.

### NAVY—NON-COMMISSIONED OFFICERS OF ROYAL MARINES AS SERJEANT INSTRUCTORS OF VOLUNTEERS.

#### QUESTION.

MR. GORST asked the First Lord of the Admiralty, Whether any arrangements have been made by which non-commissioned officers of the Royal Marines are allowed to be transferred to the permanent staff of Rifle Volunteer Regiments to serve as Sergeant Instructors?

MR. HUNT, in reply, said, that arrangements had been made, and of several recommended for the purpose, three sergeants of the Royal Marines had already been transferred to the permanent staff of the Rifle Volunteers to serve as sergeant instructors.

### IRISH FISHERIES—INSPECTORS—REPORT FOR 1874.—QUESTION.

MR. BUTT asked the Chief Secretary for Ireland, When the Report of the Inspectors of Irish Fisheries for the year 1874 will be laid upon the Table of the House; and, whether any loans for fishery purposes have been as yet made under the provisions of the Irish Reproductive Loan Act of last year; and whether any, and if so what, progress has been made in carrying out the arrangements contemplated by that Act?

## SIR MICHAEL HICKS-BEACH :

Sir, the Report of the Inspectors of Irish Fisheries for 1874 is now all in type, and I am informed that it will be forwarded next week for presentation to Parliament. The Inspectors have been employed for some time past in making the necessary local investigations into the circumstances and *bona fides* of the various applicants for loans under the Irish Reproductive Loan Fund Act, as well as into the solvency of the sureties offered in each case. As many as 2,800 applications have been made. 113 have been approved of and forwarded to the Board of Works, with whom rests the duty of paying the money. The delay is due to the considerable amount of fresh work which has been thrown by the Act upon the staff of the Fisheries Office.

FRANCE—COOLIE EMIGRATION  
TO THE FRENCH COLONIES.

## QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have received the recommendations made by the French Labour Laws Commissioners for securing more efficient protection to Indian Coolies who are taken to Réunion, Guadeloupe, Martinique, and Cayenne; and, if so, whether there is any objection to lay upon the Table a Copy of such recommendations and of the draft of any new legislation on the subject which the French Government may have announced its intention to propose?

MR. BOURKE: Sir, Her Majesty's Government have only received extracts affecting Indian Emigration to the French Colonies from the French Labour Laws Commission's Report, and there is no objection to laying these Papers on the Table of the House; but with regard to the draft of any new legislation which the French Government may propose on the subject, we have only got a *Projet de Loi*, which may or may not become law, and which we have no objection also to lay on the Table. Perhaps, therefore, the best course will be for the hon. Gentleman to move for these Papers, and if he will privately communicate with me I will arrange with him the form of the Return.

ELEMENTARY EDUCATION ACT—  
COMPULSORY ATTENDANCE.

## QUESTION.

SIR LAWRENCE PALK asked the Secretary of State for the Home Department, If his attention has been called to a report in the "Daily Telegraph" of June 7th, that a coal dealer at Wolverhampton named Boxall was summoned by the Local School Board for not sending his children to school; that in consequence of his absence a warrant was issued for his apprehension; on hearing which he came back, and there being only one magistrate present, he was locked up for four days in the police cells; and, whether the statement is true; and whether, if so, such a detention in the police cells was either usual or legal?

MR. ASSHETON CROSS, in reply, said, that from inquiries he had made, he believed that the facts of the case were substantially correct as stated by the hon. Baronet. With regard to the imprisonment in the cells, he could honestly say that he believed such a course was entirely unusual; but he should not like, in his position, to say that it was illegal. He hoped, however, it would not be repeated.

ARMY—SECOND LIEUTENANT-  
COLONELS—GRIEVANCES OF OFFICERS.

## QUESTION.

MR. STACPOOLE asked the Secretary of State for War, If he is going to bring forward the case of those Second Lieutenant Colonels who were placed on compulsory half-pay when their regiments returned from India, who are now on full pay, although not in command of a regiment, in order that on their retiring from the service they may receive their over-regulation money?

MR. GATHORNE HARDY, in reply, said, when he brought forward the Estimates on account of the Army Purchase Commission, it would be his duty to state how far he proposed to address himself to the grievances of the officers in question.

SUGAR CONVENTION, 1864—REFINED  
SUGAR.—QUESTION.

MR. WAIT asked the Under Secretary for Foreign Affairs, Whether he is in a position to state that the communi-

cations between the Government of Her Majesty and the French Government, in reference to the export of refined sugar, have led to a satisfactory result; and whether he will state to the House the result of such communications?

MR. BOURKE, in reply, said, a Conference had lately taken place upon this subject at Brussels, and the delegates at that Conference comprised the Representatives of various Foreign Powers who were parties to the Treaty of 1864. The delegates had drawn up a Convention which they had submitted to their respective Governments for examination and approval. Until that examination had been made it would be premature to state whether or not in the opinion of Her Majesty's Government the result of the deliberations would be satisfactory.

#### MERCHANT SHIPPING ACTS AMENDMENT BILL—MERCHANT SHIPPING LEGISLATION.—QUESTION.

MR. GOURLEY asked the First Lord of the Treasury, If he is aware that the uncertainty in reference to future legislation with reference to British shipping is causing depression throughout the Country in the shipbuilding trade; if it be the intention of Her Majesty's Government to proceed with or withdraw the Merchant Shipping Acts Amendment Bill; if the former, if he will fix a day for going into Committee?

MR. DISRAELI: Sir, I am not aware that "the uncertainty in reference to future legislation with reference to British shipping," as stated in the Question of the hon. Gentleman, "is causing depression throughout the Country in the shipbuilding trade." I am not aware of any uncertainty upon the subject, and my information as to the shipbuilding trade is quite the reverse of that possessed by the hon. Member. Her Majesty's Government intend to proceed with the Merchant Shipping Acts Amendment Bill, but I cannot now fix a day for the purpose.

#### PARLIAMENTARY &c. ELECTIONS—THE LAW OF REGISTRATION.—QUESTION.

MR. HAYTER asked the First Lord of the Treasury, Whether, after the vote given by all the Members of the Government present in favour of the House Occupiers' Disqualification Removal Bill, which purposes to remove

an anomaly from the existing Law of Registration, he will undertake to deal with the Law of Registration as a whole, in order to remove other anomalies and to diminish the uncertainty consequent upon the state of the present Law as declared from the Judicial Bench? He begged to quote an opinion of Mr. Justice Byles pronounced in the Court of Common Pleas in 1868, to the effect that—

"The various existing enactments are such as to expose both Voters, Revising Barristers, and this Court to many difficulties of construction in which they may be easily entangled."

Justices Keating and Brett took a similar view.

MR. DISRAELI: Sir, I do not see that because Her Majesty's Government the other night supported the removal of a petty grievance with regard to the law of registration they are logically bound to deal with that law as a whole. I, of course, hear anything that falls from the Bench with great respect, and the opinions of the Judges will always have due influence with me; but I must say that, in my opinion, those learned gentlemen are a little too apt to criticize Acts of Parliament. We must remember the circumstances in which many opinions of that kind are given by the Judges. They sit in courts which are not properly ventilated, and in that respect they are not, perhaps, treated as well as they ought to be by the country. Whatever other influences affect their opinions I know not; but I fear it is a fact that the learned Judges do not treat Acts of Parliament with the respect and decorum which I trust we shall always show towards themselves.

#### THE DEAN FOREST AND HUNDRED OF SAINT BRIAVELS BILL.

##### QUESTION.

COLONEL KINGSCOTE asked the Secretary to the Treasury, Whether, taking into consideration the period of the Session and the state of Public Business, he will withdraw the Dean Forest and Hundred of Saint Briavels Bill, which stands for Second Reading on Monday June 21st; and, whether, seeing how necessary it is that some immediate steps should be taken to improve the state of affairs in Dean Forest, he will at once bring in a Bill, similar to the Act 1 and 2 Will. IV., c. 12, to appoint

commissioners who shall visit the forest and report to the House of Commons how, in their judgment, the evils which were shown to exist by the evidence taken before the Select Committee which sat last Session may be best and most speedily remedied?

MR. W. H. SMITH, in reply, said, that in consequence of the late period of the Session it would not be possible to obtain a proper consideration for the Bill that Session; but still he did not think it would be desirable that a Commission should be appointed to report upon the subject as the matter had been fully inquired into by a Select Committee.

#### DOMINION OF CANADA — IMMIGRATION OF PAUPER CHILDREN.

##### QUESTION.

MR. EVELYN ASHLEY asked the Under Secretary of State for the Colonies, Whether he will lay upon the Table of the House that portion of the Report of the Select Committee of the Canadian Legislature on Immigration which relates to the emigration of pauper children from this country; and to the statements concerning it made by Mr. Doyle, an Inspector of the Local Government Board?

MR. J. LOWTHER, in reply, said, the Report of the Committee of the Dominion House of Commons to which the hon. and learned Gentleman referred only reached his noble Friend the Secretary of State late on Saturday, so that he had not yet had sufficient time to enter into the necessary communication with the Local Government Board upon the subject. He would, however, let the hon. and learned Gentleman know as soon as a decision had been arrived at.

#### THE SUNDAY ACT — THE BRIGHTON AQUARIUM CASE.—QUESTION.

MR. ASHBURY asked the Secretary of State for the Home Department, Whether, having regard to the judgment of the Lord Chief Baron and other Judges of the Court of Exchequer delivered on Friday the 11th June in favour of the plaintiff in the case of "Warner v. The Brighton Aquarium Company," and their Lordships' remarks thereupon, it is the intention of the Government to take any action during the present Session for a repeal or modification of the Act 21 Geo. III., c. 49?

MR. ASSHETON CROSS, in reply, said, he regretted that this matter had been brought before the Courts of Law and a decision obtained. The matter was one upon which there was a strong feeling upon both sides of the question, and one upon which public opinion must be gradually and perhaps slowly formed. It would be almost impossible for the Government to take up a measure of this character at that period of the Session. It was, however, the intention of the Government to take care that persons should not be vexatiously harassed by an undue enforcement of the law.

#### CRIMINAL LAW AMENDMENT ACT (1871)—CONVICTION FOR PICKETING — ALLEGED ILL-TREATMENT OF PRISONERS—QUESTION.

MR. ANDERSON (for Mr. MUNDILLA) asked the Secretary of State for the Home Department, If his attention has been called to a Letter in the "Weekly Dispatch," signed by the five cabinet-makers who were convicted by Baron Cleasby under the Criminal Law Amendment Act, 1871, in which they contradict in the most explicit manner the reply given on the 31st of May as to their treatment while in prison; if it is true, as stated by them, that they were ordered to pick oakum, and threatened with a reduction of diet in case of disobedience, and if, after repeated protests and explanations that they were not sentenced to hard labour, they did pick oakum in their cells at night, after working at their trade by day; and, if so, who is responsible for the excess of punishment?

MR. ASSHETON CROSS, in reply, said, he had made further inquiries into the case of the five cabinet-makers, and he had sent to the Governor of the gaol in which they were undergoing their sentence an extract from the *Weekly Dispatch* containing their letter to that newspaper, in which they contradicted the reply given by him on the 31st of May as to their treatment while in prison. He held in his hand the answers not only of the Governor, but also of the warden and sub-warder, and those answers were precisely the same as the reply which he (Mr. Cross) had previously given to the Question. He thought the best course he could take was to refer these answers to the Visit-

ing Justices with the request that they should make a special report on the matter.

# SUPREME COURT OF JUDICATURE ACT

(1873) AMENDMENT (No. 2) BILL—

[*Lords*].—[BILL 162.]

(*Mr. Attorney General.*)

## SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [10th June], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day three months." — (*Mr. Watkin Williams.*)

Question again proposed, "That the word 'now' stand part of the Question."

MR. FORSYTH said, he did not altogether concur in the praise which had been lavished upon the Judicature Act of 1873; but he acknowledged that it would introduce many salutary changes. While he agreed in the main object of the Act, which was confessedly to give to the Common Law Courts of this country enlarged powers and jurisdiction, enabling them to deal with equitable points as they arose, and thus to prevent the scandal of suitors being bandied about from Court to Court because they had mistaken their remedy, he wished the House to take that, perhaps the last, opportunity of rejecting those portions of the Act which he thought were not likely to be useful. The object desired, of settling questions brought before the Courts at once effectually and finally, would still be gained if certain sections were omitted. It was a popular delusion to think the object of the Act of 1873 was to fuse Law and Equity. One might as well talk of fusing Civil and Criminal Law as of fusing Law and Equity, and, indeed, he did not think it was intended by the Bill. The distinction between Law and Equity was radical. Separate subjects required to be dealt with in separate Courts. The distinction between Law and Equity was not artificial—it was in the nature of things, and could not be done away with by Act of Parliament. If anything of the kind were attempted, it would take 20 years to explain the meaning of the Legislature. He had

no objection to the provision of the Act of 1873, which declared that where the principles of Common Law and Equity conflicted, the rules of Equity should prevail. But he did object to those parts of the Act of 1873 by which the new name of Division So-and-so would be given to a Court and the offices of the Chiefs of Common Law might be abolished under an Order in Council, and the number of the Common Law Judges would be reduced from 18 to 15. With regard to the latter, their number had hitherto been found by no means too great, and according to their own testimony the work was at present too excessive. He would remind the right hon. Gentleman at the head of the Government that it was as injurious to disturb the legal as the official hierarchy of an ancient nation. For himself, he held that law reform should be approached in a Conservative spirit, and that they ought to build upon the old lines and construct upon the old foundations. As to the Bill now under consideration, it was, no doubt, necessary for two reasons. First of all, it was necessary as an amending Bill, for it corrected an arithmetical blunder, the number of Judges having been erroneously put down at 22, instead of 21, in the Act of 1873; and, in the second place, it was also necessary in order to do away with the anomalous state of things created by that Act in retaining the House of Lords as the final Court of Appeal in Irish and Scotch causes, while it closed it against the English suitor. That was an arrangement which was generally condemned, and its single and sole apologist was the hon. and learned Gentleman the Member for Oxford. This Bill, for the first time amongst the various measures on the subject which had been before Parliament during the last few years, established an Intermediate Court of Appeal. He had always been in favour of such a Court, for in his judgment it was essential to the due administration of justice; but then came the question how that Court was to be constituted, and with reference to that point he would impress upon the Government to give due weight to the fact that not one lawyer had risen to speak in favour of the Intermediate Court which the Bill would establish. It was not a Court of Appeal which could either give satisfaction to the profession or be re-



garded with confidence by the country. They had only a certain number of Judges to deal with, and the difficulty would be to constitute a Court. It was proposed that the Court should consist of five *ex officio* and as many ordinary members. The *ex officio* members were to be the Lord Chancellor, the Master of the Rolls, and the three Chiefs of the Common Law Courts; while the ordinary members were to be the two Lords Justices, two salaried Judges of the Judicial Committee of the Privy Council, and one other Judge to be appointed by the Crown. In theory that seemed to be a very strong Court, but it would not be found to be so in practice; and the great objection to a Court of Appeal so constituted was that all its *ex officio* members, with the single exception of the Lord Chancellor, would have their time fully occupied in trying cases in Courts of First Instance, while as regarded the ordinary members of the Court, there appeared in it too much of the Equity element. Therefore, it was extremely desirable that the whole question of the Court of Intermediate Appeal should for the present remain in abeyance, for he thought they could not well devise such a Court until they had settled what the Final Court of Appeal was to be. More than once he had been asked to join the committee which had been established with a view of preserving the Appellate Jurisdiction of the House of Lords, but he had uniformly declined to do so—first, because he did not wish to commit himself to any opinion before the subject was discussed in the House of Commons; and, secondly, because he was by no means in favour of retaining that jurisdiction as it now existed. It was true that that jurisdiction was just at present exercised by a strong Court; but this was a mere accident, and age, death, disease, or indolence might soon render that tribunal most inefficient. Those who talked most loudly of the House of Lords seemed to be really thinking of the establishment of a new Court, which they wished to make part and parcel of the House of Lords. Two hundred years ago Sir Matthew Hale denounced, in the strongest terms, the idea that the House of Lords, as a co-ordinate part of the Legislature, ought to be the Court of last resort. That eminent lawyer proposed that a certain number of legal members of the House of

Lords should be selected and associated with a certain number of Judges, so that thus a strong Court might be formed. To such a plan there could be no objection. At present, however, he thought that the wisest course for the Government to adopt would be to postpone altogether the question of Appellate Jurisdiction; to bring into operation only such portions of the Act of 1873 as went admittedly in the direction of real reform; and with regard to the other matters—especially with respect to questions of Intermediate Appeal and Final Appeal—to wait until next Session, when they could have a comprehensive measure which would prove acceptable both to the country and to the profession.

MR. LOWE said, his excuse for trespassing on a discussion which had hitherto been entirely forensic was that he did not intend to travel over the ground which had already been so well laboured by those who had gone before him. He desired to deal with the question rather as one having reference to the House of Commons than with reference to any legal distinctions. There was no subject within his memory certainly, and perhaps there had been no subject for many years past, which was at once so momentous and had been so carefully considered as that of the jurisdiction of the House of Lords. The consideration of that subject commenced with the labours of an able and most painstaking Commission. That Commission reported in 1869, and four years were taken to consider its Report. The matter of the Report was referred to a Committee of the House of Lords, which reported against the continuance of the jurisdiction of that House, and a Bill was subsequently introduced in 1873 in the House of Lords itself, which took measures for the abolition of its Appellate Jurisdiction. That Bill was carried. There was some opposition to it. Lord Redesdale divided the House, but had only had very small minorities on his side. When that Bill, having been passed by the Lords, came down to the House of Commons, it was wonderful to see how little difference of opinion there was on a question which might have seemed likely to interest the passions and interests of the House, and the consequence was that it passed with the assent of both Parties. The present and the late Prime Minister, the present and

the late Lord Chancellor, and the great legal authorities of both Houses mostly combined in approving the principles of the measure, and it became law. In 1874 the House of Lords, the parent of that Bill, produced another measure to extend the abolition of the Appellate Jurisdiction of the Lords to Ireland and Scotland, therefore nothing could be more complete than the approval which the House of Lords gave to the Bill, and it was impossible to exaggerate the degree in which all parties and persons in both Houses were bound and committed to its principles. The subject had undergone a most thorough, solemn, and protracted investigation, and so little was it apprehended that there was any difficulty contained in it that the present Lord Chancellor, on the 9th of February this year, introduced the Bill which had been postponed, on account of pressure of Business, from last Session. He did so apparently without any misgivings or apprehensions on the subject; but on the 8th of March the noble Lord felt it necessary to state that, in consequence of certain communications about difficulties in the way, he despaired of being able to pass the measure. Shortly, after, on the 9th of April, he introduced a Bill of an entirely different character, a Bill which was not a modification, but was exactly the contrary of the one he had introduced on the 9th of February, for extending the abolition of the Appellate Jurisdiction of the House of Lords to Scotland and Ireland. The object of the Bill of the 9th of April was ostensibly to postpone the abolition of the Appellate Jurisdiction of the House of Lords for a year, but really and in truth to prevent the Appellate Jurisdiction of that House ever being abolished at all. The only ground stated for postponing the Bill was the objection of the House of Lords to the abolition of its Appellate Jurisdiction. Though still nominally a Bill only for postponement, he maintained that it must be treated as a Bill to put an end for all time, as far as the Government had any power, to the idea of ever doing away with the jurisdiction of the House of Lords. In introducing and carrying that Bill through the House of Lords the Lord Chancellor never gave it to be understood that he approved of the principle he was going to give effect to. The noble and learned Lord had always

been thoroughly consistent in the matter, and it was only just to say that, though he had been the organ of the Government in carrying out the Bill, there was every reason to know, from all his declarations on the subject, that he entirely and thoroughly disapproved of the step. Then the case came to the House of Commons, where the hon. and learned Gentleman the Attorney General allowed it to be inferred that he disapproved of its principle, offering as he did no argument in its favour, but studiously avoiding doing so, only saying that an influential portion of the House of Lords desired that the clauses abolishing the jurisdiction of the House of Lords as a Court of Final Appeal should be put off, and that accordingly it was proposed that that should be done. The hon. and learned Gentleman did not say one word in favour of the principle of the Bill he was introducing to the notice of the House. Nay, he said something very strongly against it. He said that he did not consider the Bill a new thing; that the subject had already been fully discussed by Parliament in 1873; and that he could not regard it as a question that was really any longer open to discussion. That was, in effect and substance, what the hon. and learned Gentleman said, and it might fairly be concluded that he also was opposed to the principle of the Bill. It was not merely that the Government were dropping a measure which for want of time they found themselves unable to carry. That was a position in which any Government was liable to find itself, and in which it might fairly withdraw a measure, however persuaded of the justice of its principles they might be, rather than waste the time of the House and their own strength in a futile effort to carry it. But what he complained of in this matter was that the main object of this Bill, so far as it related to the Appellate Jurisdiction of the House of Lords, was not merely to forbear from any further action, but, in point of fact, to repeal and rescind the whole operation of the Act of 1873 in that respect. He hoped that would be clearly understood, because everything he had to say hinged upon it. The House was asked not merely to forbear from doing a certain thing, but actually to reverse its steps. His present argument did not require him, and he entirely declined to

enter into the legal merits of the case as regarded the jurisdiction of the House of Lords; but what he wanted to point out to the House was that, if the statement he had made as to the proceedings in the matter was true, there was no Parliamentary case whatever for the House entering on the course that was now suggested. No argument was addressed to the House to induce it to commit itself not to do away with the jurisdiction of the House of Lords. He would use a very simple illustration. Suppose the Lord Chancellor sitting in his Court with a case relating to an estate before him. Suppose the counsel for the claimant should say he believed there was nothing in his client's behalf to be said on the law of the case—that he believed, in fact, that law and precedent were against him, but an influential portion of the House of Lords wished his client to have the estate, and therefore he asked the Lord Chancellor for a verdict in his favour. Suppose, further, that the Lord Chancellor should say he agreed with the counsel as to the law of the case, but, since that influential portion of the House of Lords desired it, he would give the judgment requested. That would be a judicial, theirs was a legislative, proceeding; but, apart from that, he failed to recognize any difference of principle whatever. They were identical. The persons who proposed this Bill were themselves opposed to it, but what was said by the hon. and learned Attorney General, and what was said by the Lord Chancellor was, that it was the will of an influential portion of the House of Lords, and therefore they must pass it. Had the Government come down and told the House that they had changed their opinion, that House was always open to reason and argument, and, if it had been addressed in the tones of reason and argument, would have listened with respect. But in place of that the Government simply came down to the House of Commons and said it was the desire of an influential portion of the House of Lords that this measure should pass. There was no Parliamentary ground whatever for doing what the House was asked to do. It was contrary to all Parliamentary practice for a Government to come down and tell the House that, notwithstanding the labours of the Commission, the Report

of the Committee and the decisions of the Parliament itself, it was to surrender its own opinion and consent to repeal the Act of 1873 merely because a portion of the House of Lords desired that it should be so. So far as he knew English history—and he should be glad to hear of a precedent to the contrary from hon. Gentlemen opposite—such language was never addressed to the House of Commons before. The case came before the House absolutely without any support whatever. The merits of the Bill might be what they pleased. The question was whether the House of Commons ought to be influenced by considerations like these. Was it natural, was it reasonable, that the Government should come down and say that the House of Commons should be forced to do that which they themselves had been forced and coerced to do? Why should the Government assume the nominal Leadership of those who had forced and coerced them in this matter? Principles were the life and soul of a Government, if they meant to exist for any length of time. But how could a Government preserve its vitality, if it were ostentatiously and knowingly not only to abandon the principles which it held, but actually adopt the very contrary course, and place itself at the head of those who had coerced it? It might be said that some risk of collision with the Lords would have to be run if the Government persevered in their original intention. He did not believe it. But even to run some risk would be better than to exhibit such a spectacle as the House had before it. It was quite evident what the Government should have done. They should not have allowed themselves to be coerced. Their character for consistency and honour was at stake in not going back; and if it were intimated that an influential body of their supporters would no longer sustain them they should have met it manfully, and obliged those who, it appeared, were superior to Lords and Commons to declare themselves and show who they were—to deal with this matter not by messages to the Government, but by their votes in Parliament. Who they were would then be known; but because the Government had amalgamated themselves with them, nobody knew now what Party, what clique, what conspiracy was at work. If the Govern-

ment had taken that step they would have received the approbation of all honest men, and would not have injured their own position in any way; the public would have appreciated their conduct, and if the measure had failed, no blame would have been attributed to men who had done their best to vindicate their honour. As it was, the matter was in a situation that no friend to Parliamentary government could look upon without the greatest regret. Because it really came to this—their debates, arguments, reasons were all futile and ridiculous if they could be put aside by an irresponsible body in “another place,” who could dictate to the Government what the Government should dictate to the House of Commons. It went to the root of Parliamentary government if they were to be told that it became necessary for the preservation of the Government that certain things should be done, and the Government used its strength to force Parliament to do them rather than face the danger which would be incurred by showing a bold front. It was the duty of the House of Commons to act in such a way that this conduct of Her Majesty's Government should not be drawn into a precedent. His hon. and learned Friend the Member for Oxford had said the other day that they must take what they could find. He would rather say in questions of this kind, relating to the honour of the House of Commons, that they should leave what they found entire. They had received a noble inheritance, and they should take care that they did not encumber it with false precedents, or squander it by base compliances.

MR. GATHORNE HARDY said, he could not help noticing the regret that the right hon. Gentleman must feel for the peculiar kind of conduct of the Government, as it was apparent from his tone and manner throughout his speech. He was not generally without the power of expression for those high constitutional sentiments; but he, on this occasion, adopted such a faltering tone that there was some doubt as to what he was saying, or perhaps he had some suspicion that the House would not altogether agree with him. What was this grievous crime committed by the Government to which the House was called upon to give its condemnation? He did not object to the historical re-

view of past years given by the right hon. Gentleman; but when he came to state what had been done recently—that was, to contemporary history—the right hon. Gentleman seemed not to have made himself acquainted with the facts, or in the most extraordinary manner to have misunderstood them. The right hon. Gentleman said that he should have had no complaint to make against the Government for having dropped the first Bill in the House of Lords, though he afterwards declared that they ought to have taken a vote on it; but towards the end of his speech he blamed them for allowing themselves to be coerced by an influential body in “another place” into bringing in the present Bill. He said that the reason of their doing so was that there was an irresponsible body in the Lords who had controlled them. Now, he would like to know from the right hon. Gentleman in whose speech he found it used as the argument for the passing of the Bill that an influential portion of the House of Lords was in favour of it. [Mr. Lowe: The Attorney General's.] The Attorney General did not say that alone was the reason; what he did say was that there was a great change of feeling on the subject, which was indicated by the change in the House of Lords. Let him for a moment call attention to what passed in the House of Lords. The Government proposed last year that there should be one Final Court of Appeal for the United Kingdom. That was a point to which the Lord Chancellor had always adhered. At present, the object, of course, was that whatever Final Court of Appeal should be adopted should be for the use and advantage of the Three Kingdoms. What had passed? Last year Lord Moncreiff, who might be taken as representing the Bench, if not the Bar of Scotland, spoke reluctantly in favour of doing away with the Appellate Jurisdiction of the House of Lords. Lord O'Hagan also, speaking for Ireland, with reluctance, accepted with regret the abolition of their Appellate Jurisdiction. But this year both these noble Lords, representing themselves as speaking the sentiments of the Bench and Bar of their respective countries, were entirely opposed to its abolition. Therefore, when the right hon. Gentleman spoke of an influential

party in the House of Lords, he should remember that that party was backed up by a large body of opinion which had accumulated out-of-doors. It would be absurd to suppose that any number of persons in the House of Lords could have exercised this power unless they found a large body out-of-doors to support them. When the hon. and learned Gentleman the Member for the Denbigh Boroughs (Mr. Watkin Williams) introduced his opposition to this Bill, he protested against dealing with it as a Party question; but his hon. and learned Friend had not been so successful in impressing that view on others as might have been hoped. That was not so carefully done by others as it had been by his hon. and learned Friend, who said that, if there was to be a second Court of Appeal, he was prepared to accept the House of Lords as the Final Court. And his hon. and learned Friend gave very good grounds for it. For what did he say? He said that the Appellate Tribunal of the House of Lords was so admirably constituted that an appeal which had taken him three days before the Exchequer Chamber to do unsatisfactorily he had disposed of satisfactorily in three hours before the House of Lords. It should be borne in mind that the Commission that first reported did not report against the Appellate Jurisdiction of the Lords; and therefore the authority of that Commission could not be cited against them. Further on, no doubt, there was a Report which was, to a certain extent, adverse to that Appellate Jurisdiction; but then the question had not been raised as to a double appeal; and it was supposed that the House of Lords could not deal with First Appeals, because they would be so numerous; but when there came to be a second Court of Appeal the House would, it was thought, have abundance of time for such appeals. These were the reasons which had influenced large bodies of people in reference to what should be the new Appellate Court. He begged to remind the right hon. Gentleman that the Government were not asking the House to recind and repeal that which had been already done. All they were asking it to do was to suspend the operation of that portion of the Bill till next year, when the question would still be open for discussion. He might

have his own opinion as to how that discussion would terminate, but the right hon. Gentleman would not be debarred from stating his views at length. It was clear that in all he said that evening he only wanted to throw discredit on the Government; but he did not give the House any information or suggestion as to what was the best course to be taken: all he thought of was to throw discredit upon the Government with that air of pity and sorrow which so well suited the man who was assuming a high constitutional position. To drop the Bill was an abandonment of principle by the Government. If so, why, he might ask, had the right hon. Gentleman himself abandoned his Savings Banks Bill some time ago? Was it not because of the opinion with regard to it which was expressed out-of-doors? [Several hon. MEMBERS: And the Match Tax.] Yes, and the Match Tax; but the right hon. Gentleman's experience was so great in that way that it seemed to him to be the height of audacity at which he could hardly have supposed that even the right hon. Gentleman could have arrived that he should attack the Government as he had done for the course which they had taken, and call upon them to name any case where such a thing had been done before, when he himself had such experience in abandoning Bills and measures, abandoning them in deference to public opinion out-of-doors, sometimes indeed expressed in a more violent manner than upon the present occasion. And what was the real question before the House? They had to secure a Final Court of Appeal which would be likely to be satisfactory to the country, and if they could not find it in the House of Lords they must look for it elsewhere. But seeing that public opinion in Ireland and Scotland was unanimously in favour of retaining the Appellate Jurisdiction of that House, and that an increasing number of persons in England were in favour of it, it was, he thought, probable that when the question came to be decided the Government might, perhaps, in deference to public opinion, and with the assent of the Three Kingdoms, be enabled to constitute such a Final Court of Appeal as would give general satisfaction. In that state of things all the Bill under discussion would do would be to bring into operation as



soon as possible so much as was admitted to be a great reform. The question of the Final Court of Appeal would in the meantime be suspended, and the right hon. Gentleman would next year have ample opportunity of laying before the House his views on the subject. The Government, with that consideration which was due to a matter of such importance as the administration of justice, would not take a step in advance without being sure that they had the feeling of the country with them, and when they had secured that they would submit their proposals to the House without fear of the arguments of the right hon. Gentleman or of those constitutional principles on which he relied.

SIR HENRY JAMES said, it would be seen that there were two questions involved—the first, as to the necessity for the Bill, and the second, as to the value of the propositions made in it. Several speeches that had been made referred principally to the necessity for the Bill, and the causes from which it had sprung. First, the hon. and learned Member for East Surrey (Mr. Grantham) charged the Government of 1873 with having dealt with the Act of that year without consideration, and with having promoted it as an ambitious scheme of reform. That was a charge that had not the slightest foundation, and to show that it was so, he would make some brief quotations for the benefit of the hon. and learned Member, and some of them would be from those who were most desirous of retaining the Appellate Jurisdiction of the House of Lords. The first movement that took place in regard to the matter commenced with one whose opinion would be valued by the hon. and learned Gentleman. He referred to the late Lord St. Leonards. So this measure, far from being an ambitious measure of reform, was one suggested by Lord St. Leonards, and in favour of which he spoke and voted. As early as 1841 that noble Lord, in introducing a Bill in the House of Commons, said—

“The reason why he went so much into detail upon this branch of the subject was, that he might show to the House what the general feeling of the country was with respect to the system now in force, and which could not continue much longer, but must inevitably be reformed; and so strongly was the necessity for this reform felt that no professional man would conscientiously recommend an appeal to be carried to the House of Lords from the Lord Chancellor’s

decision, if it appeared at all probable that the same individual would preside in the House of Lords at the moment when such an appeal should come on for hearing. . . . Such a proceeding amounted, in his opinion, to a denial of justice.”—[3 *Hansard*, lvi. 195, 197.]

And he introduced a Bill for the purpose of adding legal strength to the House of Lords. Then the present Chief Baron, giving evidence as to the Appellate Jurisdiction of the House of Lords before the Committee that had been so often referred to, said—“Its days are numbered, unless some great change takes place in its constitution.” The Lord Chief Justice, too, said the fault of the scheme for the creation of a new Court of Appellate Jurisdiction was, that it was founded on the basis of retaining the jurisdiction of the House of Lords, and added that surely the time had come for the House of Lords to give up a jurisdiction which it had only in name. He could quote from others not likely to be prompted by an ambitious desire to reform. In 1873 this matter came before the Lords, and there was, with the exception of some opposition from Lord Redesdale, general concurrence in the principles of the Bill. That measure was referred to a Select Committee. It was not considered hastily; it was not made a Party question. The Committee consisted, he thought, of all the Law Lords that sat in the House, as well as Lord Salisbury, the Archbishop of Canterbury, and noble Lords of great weight; and the Report of that Committee came back without questioning the desirability of abolishing the Appellate Jurisdiction. Where was the public opinion then? The Bill, as he had said, passed with the concurrence of the Lords, and when it came down to the House of Commons it received no opposition from those who represented the Leadership of the Conservative Party, with the almost single exception of the present Lord Chancellor of Ireland, and the Bill passed without their hearing a whisper of that public opinion which was said to have existed. He would not weary the House by giving a history of how it was left imperfect as regarded Ireland and Scotland; but 1874 came, and, as they were often told, great events happened in the beginning of that year. The Conservative Government found itself under the responsibility of bringing in a Bill to complete the legislation of the previous

year, and the Bill was brought in in the course of the Session. And what did the Attorney General say then? Why that, whatever might be his own opinion with respect to the abolition of the Appellate Jurisdiction of the House of Lords, he accepted the decision upon it at which Parliament had already arrived as conclusive. The Lord Chancellor of Ireland, too, who had previously been silent on the subject, while observing that a great opportunity seemed to him to have been lost of surrounding the jurisdiction of the House of Lords with additional authority and power, went on to say that to reverse the decision on the point which had been so solemnly arrived at would be even a greater evil than the abolition of that jurisdiction, inasmuch as uncertainty and confusion would by that means be introduced into the proceedings of Parliament, and that good reason ought to be shown for any such change. Had any such reason been shown either to this House or the other? Public opinion was so silent that at the commencement of this Session the House of Lords again accepted the principle of the abolition of its Appellate Jurisdiction. The Bill was introduced and read a second time on the 23rd of February without opposition. The Government, having gone so far, had thoroughly accepted the responsibility of abolishing the Appellate Jurisdiction of the Lords. What had happened to make them withdraw from their position? The hon. and learned Member for Salford (Mr. Charley) had given the real history of the change of public opinion on this subject. That hon. and learned Member said he had put himself in communication with the hon. Baronet the Member for Wexford (Sir George Bowyer), and they had called on a most estimable gentleman who resided in St. James's Place; an influential committee was formed, including 40 Queen's Counsel, 30 Peers, and 138 Members of Parliament; and so the Appellate Jurisdiction of the House of Lords had been preserved. He gave his hon. and learned Friend all credit for his well-known earnestness, which always displayed itself on behalf of those who were unable to protect themselves—females under the age of 16, newly-born babes, and the House of Lords. That sort of protection, however, might go too far. The power of the hon. and learned Member

for Salford appeared to be very great indeed. The House would remember—he would not say a campaign of rhetoric, but, at all events, a celebrated political campaign—when the First Lord of the Treasury visited the county of Lancashire, which had given him great support, and, in answering one of several deputations which waited on him, he did not exactly ejaculate a prayer, but he said—"Oh that there were more Members for Salford at the present time!" He (Sir Henry James) ventured to think, however, it would be an unfortunate thing for the country to have two junior Members for Salford instead of one if that was to be their power—if that was the way in which the legislation of two Parliaments and the policy of two Governments were to be reversed. The Bill which had now been withdrawn was introduced into the House of Lords after having been mentioned in the Speech from the Throne, and was read a second time on the 23rd of February without substantial opposition; but, notice of opposition having been given on the 1st of March, on the 8th of the same month, the Lord Chancellor announced that the Bill would be abandoned. What had happened in the meantime? If those who had introduced the Bill had changed their opinions, ought they not to have said so—ought not their recantation to have been made in public, and in all the responsibility of their position? There had been no discussion or vote in the House of Lords to account for the changed views of the Government, and they were left to the uncertain sound of the words of the hon. and learned Attorney General the other night, when he said there had been a certain Parliamentary opinion in the House of Lords which had been not expressed but felt. He wanted to know if it was an expression of the opinion of noble Lords in that House who had previously voted for the abolition of their Jurisdiction. He did not blame those noble Lords if, under the direction of his hon. and learned Friend (Mr. Charley), they had changed their opinions; but the House had a right to know who they were, and whether they had been influenced by argument or by personal pressure. He was disposed to believe the change of opinion had not extended to Her Majesty's Government; but, if not, why should they change their

policy? Those who witnessed the gestures and heard the words of the Lord Chancellor when he abandoned his Bill knew well he had not changed his opinion. When he expressed the deep regret with which he withdrew the Bill, everyone who heard him knew that was an honest avowal. Ought not that noble Lord, who possessed the confidence of the public and the esteem of his profession, to be allowed to know in the open field who were his opponents instead of having to yield to unknown enemies? Members of the legal profession had always been proud of the noble and learned Lord as one who, unaided by those influences which sometimes made a man eminent in his sphere, was enabled almost before middle age to win his way to the high position he occupied; they knew that, whether in the contests of the Courts or in the political debates of Parliament, or in the pleasant pastures of the Vale of Aylesbury, he had always one great attribute, that of pluck; they knew that he would not have deserted his opinions, but would have had the courage to express them. Yet he had been compelled to yield. It was the old story over again. The enterprising general of division had been sacrificed either to the doubts of the Commander-in-Chief, or, what was worse, to the timidity of a council of war. It was no secret that the Lord Chancellor had had to give way not to public opinion, as expressed in the Press, in Parliamentary discussion, or to any open means or statements that could be met and controverted, but to the stealthy policy of St. James's Place and the pressure it had produced. Such a method of Parliamentary proceeding was without precedent, and would not add to the honour of Parliament. It was now said that 40 Queen's Counsel out of 200—no great proportion—were in favour of retaining the Appellate Jurisdiction of the House of Lords. Well, after all, he did not know that much reliance was to be placed on the opinion of lawyers in regard to legal reforms. Indeed, they were generally regarded as the very worst judges of the reforms that ought to be introduced. [Mr. M. T. BASS: Hear, hear!] He recollected that during the year 1873, when they were discussing the Judicature Bill, and when numerous divisions occurred, he appealed to the hon. Member for Derby,

hoping that he would vote with the Noes, as every lawyer in the House was going to vote with them. Mr. Bass—he might mention his name, as the incident occurred in a previous Parliament—Mr. Bass asked—"Are you quite sure that every lawyer is going to vote with the Noes?" He replied he was quite sure, upon which Mr. Bass said—"Well, I am quite sure I shall vote with the Ayes," and with a great deal of activity he saw the hon. Member for Derby going to the Lobby on the right hand of the Chair. In that he believed the hon. Member was expressing the general idea of the public as to the value of lawyers' opinions on legal reforms. If their opinions were worth little, their sentiment was worth less, and he maintained that it was sentiment and old associations rather than opinion which led them to favour Appellate Jurisdiction of the House of Lords. Putting aside the opinions of the Queen's Counsel, what other public opinion remained in the matter? He believed there was no public opinion on the question of legal reform. People sometimes complained a little of legal delay and of expense; but, as a rule, a man who got engaged in litigation, and passed through the ordeal of a lawsuit, felt much the same as the man who had submitted to the operation of having a leg cut off—he never expected to have to go through it again, and was perfectly indifferent as to whether the next comer was to be operated upon by a good instrument or a bad one. The right hon. Gentleman opposite had asked them to wait a year till public opinion was clearly expressed; but they would have to wait a very long time before they knew whether public opinion out-of-doors wished the Appellate Jurisdiction of the Lords to be abolished or not. If there had been any strong feeling on the matter in the country, it would have found expression in that House in 1874. The fact was, that legal reform must come from the action of responsible statesmen, such as had borne the responsibility of this measure. Their policy was now to be reversed because his hon. and learned Friend (Mr. Charley) had had too much leisure, and by the merit of his earnestness had been able to bring a number of men together. The Secretary of State for War had argued, to prove that there had been a change in public

*Sir Henry James*

opinion—that between 1874 and 1875 Lord O'Hagan and Lord Moncreiff had altered their views on the question; but if his right hon. Friend would refer to the speeches of those noble Lords, he would find that they were equally opposed then to the abolition of the Lords' Jurisdiction. He regretted that the Government had not shown a little courage, and appealed on the question to the votes of the two Houses, on whom the responsibility would then have rested, instead of yielding so submissively to that mysterious influence which the Attorney General said had been felt in the House of Lords. He regarded the present measure not as the Bill of the Government, but as one for which the hon. Members for Salford and Wexford and the committee with whom they acted were responsible. The 4th clause was admittedly bad, and the Attorney General had not found any of the hon. and learned Members behind him to say they could give the slightest adhesion to the principles of this Bill. They were told it was a temporary measure but that was only a stronger reason for not dealing with the matter in such a way. It was not sufficient that, out of circumstances they had themselves created, they should produce a measure evil and inefficient, which they admitted would not be satisfactory, and plead as an excuse that it would only be in existence for a short period until they had ascertained public opinion. It was no pleasing task to contemplate the constitution of the Appellate Tribunal proposed by the Bill. They would be half abolishing the Judicial Committee of the Privy Council, and taking away the strength of the tribunal to which they compelled their colonists to come. Two of the four Judges constituting the Judicial Committee had for years devoted themselves to Indian affairs, and divide that Committee how they might, they must weaken it, and thus do an injustice to our colonists, whilst it was no undue criticism to say that it would hardly be wise to place Members of the Judicial Committee as Appeal Judges over men whose lives had been devoted to studying the Common Law of England, and who, in that law, had had a much larger amount of practice and experience. It could not be right that such things should be done merely to meet the unfortunate state of things which the want

of courage of the Government had brought about. He appealed to the Government, who certainly had not shown too great a desire to destroy our judicial system for the sake of economy, to say whether the tribunal proposed by the Bill was one which could advantageously receive the sanction of the House. He did not think his hon. and learned Friend the Member for the Denbigh Boroughs had laid himself open to the criticism of the hon. and learned Member for Huntingdon (Sir John Karslake); but he would advise his hon. and learned Friend not to press his Amendment to a division. In conclusion, he would remark that he had ventured to criticize, he hoped not too severely, not so much the personal course of the Government as the want of principle and statesmanship which had been shown in the conduct of public men, and, having done that, he would promise the Government, if they persisted in carrying that Bill through the House, he would give them such assistance as he could in putting it into a better and more efficient form.

MR. GATHORNE HARDY said, his reference had been misunderstood by his hon. and learned Friend the Member for Taunton. It was in 1874 that Lords Moncreiff and O'Hagan accepted, with certain reservations, the proposal of the Government, and in 1873 that they spoke in opposition to the measure then brought forward.

THE SOLICITOR GENERAL said, he quite agreed with his hon. and learned Friend the Member for Taunton (Sir Henry James) that the consideration of that great question turned upon the Act of 1873. During the discussion the House had had its attention turned in a particular manner to that Bill and the Bill of 1874 had also been much adverted to. The question before the House was whether there was a necessity for any alteration of the measure of 1873, and if so, whether the provisions of the present Bill would meet that necessity? With regard to the Act of 1873, in his opinion and also in that of the hon. and learned Members, with very few exceptions, who had spoken, that Act did accomplish a most desirable measure of reform. He thought the demand for that legal reform came not from the lawyers, who were benefited by the existing state of things, but from those who experienced the defects of the law—the outside public—and

who had clamoured for the removal of these defects prior to 1873, and the Act of that year was the result of this outside clamour. It seemed to him that the Act of 1873 was a most beneficial measure, for it did away with that disgraceful anomaly by which what was law in one Court was not law in another, and conduced to the more speedy administration of justice. It created a system which was at once consistent, harmonious, and simple; but although it deserved all the credit which he thus attached to it, all who looked back on the measure of 1873 must confess that it was marred by one conspicuous blot. That blot was the Appellate Jurisdiction created by the Bill. That Act proposed a Court of Appeal, and abolished the Appeal to the House of Lords. Now that was found to be a great defect in the Act and very objectionable. The hon. and learned Gentleman the Member for Taunton said that almost every one agreed with the abolition of the Appellate Jurisdiction of the House of Lords.

SIR HENRY JAMES said, the hon. and learned Gentleman misunderstood him. The question was thus regarded by the House of Lords.

THE SOLICITOR GENERAL: The question was not one for the House of Lords; it was a question for the public. and if the removal of the jurisdiction of the House of Lords were to meet with general acceptance, it would little matter to him whether they were relieved of it or not. It would, however, be recollected that during the debate which had taken place several eminent Members from the Conservative side of the House had spoken strongly in favour of the retention of the Appellate Jurisdiction of the House of Lords not, indeed, for all cases but for such as would necessarily flow to the House of Lords in case two Courts of Appeal were retained. The hon. and learned Attorney General, the hon. and learned Gentleman now Member for Frome (Mr. Lopes) the hon. Member for King's Lynn (Mr. Bourke), the hon. and learned Member for Salford (Mr. Charley), and the then Attorney General for Ireland had all spoken to the same effect. For himself he concurred with them; but he distinctly expressed his opinion that there must of necessity be several classes of cases in which a double appeal would be essentially necessary. He quite agreed with the hon. and learned

Member for Oxford that in that portion of his (the Solicitor General's) speech which he had read he said he was averse to a double Court of Appeal; but if the hon. and learned Gentleman had read further—and probably it would have done him some good—he would have found that he had said that in certain cases it was most essential that there should be another Court of Appeal, and he had made bold to suggest to them, as he did now, that the very best Court of Appeal was that tribunal which had given so much satisfaction—the House of Lords. The Tribunal of Appeal formed by the Act of 1873 was for England alone, and it was clear to his mind that in 1873, there existed a distinct necessity for altering in the way of amendment certain provisions of the Act of 1873, in order to provide one and the same Appellate Court for England, Scotland, and Ireland, with, in addition, a second appeal in certain cases. It was not necessary that he should give the reasons for this necessity, for it was only necessary in order to discover them to listen to the speech of his hon. and learned Friend the Member for Taunton. The hon. and learned Member for Oxford had stated that the second appeal would, in fact, be a simple re-hearing. If a decision in one Court was to be reviewed in another there must of necessity be a re-hearing of the facts, but it was an appeal notwithstanding. In 1873 the Government carried the Bill which became an Act, although it had its admitted defects. The Bill of 1874 was founded on the principle that there should be the same Appellate Tribunal for England, Scotland, and Ireland, but that in certain cases there should be a second Court of Appeal. But owing to unavoidable circumstances the Bill of 1874 had not passed into an Act, and in 1875 another Bill was introduced to the same effect; but between the years 1873 and 1875 an opinion arose in the country—an opinion which appeared to be growing day by day—that it was not desirable to abolish the jurisdiction of that ancient, noble, dignified tribunal, the House of Lords. The hon. and learned Member for Taunton had referred to the part which he supposed the Amendment of the hon. and learned Member for Salford had played in the matter. What the hon. and learned Member for Salford did was to press his proposal with



his usual energy; but did he convince, against their will, lawyers in Lincoln's Inn and Westminster Hall, and hon. Members who had expressed their opinions on the subject? At any rate he would not convince the hon. and learned Member for Wexford against his will. The opinion of the vast majority of the lawyers of Lincoln's Inn and Westminster Hall was in favour of retaining the Appellate Jurisdiction of the House of Lords, and it must be admitted that lawyers knew something about it, although they might not be "strenuous advocates of law reform." That opinion was shared by commercial men, who had to pay for litigation, and by Members of Parliament, who represented constituents. There was also a strong feeling throughout the country that the House of Lords was an excellent tribunal, and that better could not be found. If that opinion had been really formed, and had been brought to the attention of the Government, were the Government to be charged with desertion of their principles, because they did something to give effect to that opinion? He should think that the Government would be open to the charge of not acting up to their principles, if they chose to disregard an opinion of this kind. The Government, therefore, had thought that, as this opinion had been formed by the country, it would be well to let a little time go by, and see whether some more positive and certain opinions were not formed in the interval. If at the end of a year it was thought that the jurisdiction of the House of Lords as an Appellate Tribunal should be retained, then it would be competent to do so. His hon. and learned Friend the Member for Oxford had said—"Do not touch the appeal clauses of the Act; let the Bill of 1873 remain, but keep the Exchequer Chamber as that Court of Appeal for Common Law, and the Lords Justices for Chancery." But if that were carried into effect they would have the dissatisfaction or the gratification, whichever it might be, of having no Appeal Court at all. He thought, therefore, it was essential that there should be a Court of Intermediate Appeal of a fresh character, in lieu of the Court of Exchequer Chamber and the Lords Justices. He would now come to the objections of his hon. Friend the Member for the Denbigh Boroughs (Mr. Watkin

Williams). His hon. and learned Friend said he had a great opinion of the Act of 1873; that it was one of the greatest measures of reform ever introduced. He also said he would rather have a final tribunal such as that created by the Act of 1873 than have an Intermediate Court of Appeal. "But," said the hon. and learned Member, "if we are to have a second tribunal, I object to such a second tribunal as is proposed by the Bill, because it is not a good one; because the Judges will not be composed of the ablest men that could be selected; among them will be the Lord Chancellor, the Master of the Rolls, and the three Chiefs of the Common Law Courts, and each of these may have attained his position, not so much because of his eminence as a lawyer as for some other reason." He (the Solicitor General) confessed he was surprised at that objection. Both the hon. and learned Member himself and the hon. and learned Member for Taunton in 1873 spoke in favour of a tribunal the elements of which would not differ much from that which was proposed by the Bill. This Bill proposed that exactly the same class of Judges should form a Court of Appeal as was provided by the Act of 1873, but it proposed that not so many Judges should sit in that tribunal. In a Court of Appeal there must be men of the soundest intellect; and who, being untrammelled by an excess of business, would be able to deal with the cases that came before them as the House of Lords did. In conclusion, he considered that the suggestions which had been made by his hon. and learned Friend the Member for Oxford were not feasible, and he hoped that very few of the malcontent party would think it right to follow him and his hon. and learned Friend the Member for the Denbigh Boroughs into the Lobby, should the Amendment be pressed to a division.

MR. HERSCHELL said, Her Majesty's Government seemed to admit that the House was in some embarrassment with regard to the matter, because it was dealing with a proposition for the creation of a Court of Appeal without knowing whether that Court of Appeal was to be permanent or merely temporary, and also without the knowing whether it was to be a final Court of Appeal or an Intermediate Court of Appeal, for both of those questions, he

understood, were to be left open. He thought, therefore, that what the House had to consider was how to get out of that embarrassment. The opinion of the public and of the legal profession after the passing of the Judicature Act, began to form itself on two questions in no doubtful manner, the prevalent belief being—first, that all cases ought not to be sent to a Court of last resort without passing through an Intermediate Court of Appeal; and secondly, that in abolishing the Appellate Jurisdiction of the Lords, they were running the risk of abolishing a very efficient and excellent Court of Appeal on the chance of forming a Court its equal, or possibly only its inferior. It was a significant circumstance that these opinions were expressed after the passing of the Act of 1873, and that the more people talked about the proposals it embodied with reference to those two subjects, the less they seemed to like them. For himself, he confessed he shared the opinions of those who desired the retention of the Appellate Jurisdiction of the House of Lords, not because he was actuated by any feeling of sentiment, or by the idea that the Appellate Jurisdiction could prop up the House of Lords as a Legislative Body, but because he did not like to part with a tribunal until a better one was substituted for it. Consequently he could not regret that the subject had been re-considered, but at the same time he agreed with much that had been said by the hon. and learned Member for Taunton. As both Houses so plainly expressed their opinion in 1873 that the Appellate Jurisdiction of the House of Lords ought to be abolished, it was unwise for the Government to withdraw the first Bill. They introduced this discussion without having the matter fully discussed in the Upper House. The Government need not have forced that Bill to a division, but they ought to have had it publicly discussed, for next year they would not be in half so good a position to pass the Bill as they would have been if they had allowed that course to have been taken. That course, however, not having been pursued, it was now proposed only to deal with the question temporarily. It was impossible to suggest any course which would not carry with it certain evils, and all we could do, therefore, was to choose the least. He

was desirous that the Act of 1873 should come into operation as speedily as possible, seeing the manner in which law reform was hung up by the delay which had already occurred, and so far as this measure was directed to that—so far as it expressed the desire of the Government that the Act should come into operation without further delay—he was heartily and thoroughly with them. That Act, although delusive as to some of the advantages expected of it, had many practical and useful provisions; for example, those which improved the present absurd mode of taking evidence in the Court of Chancery, and others that relieved Courts which were clogged with business, by sending cases to other Courts which were not so pressed. It not only amended the law now, but it provided the machinery for future Amendments. Objecting to the statement that the Appellate portion of the Act was its backbone, he thought the other beneficial changes contained in it might be adopted at once, the Appellate Court remaining substantially as at present. As to the Appellate Tribunal constituted by the Bill, no lawyer in the House of Commons excepting the Attorney and Solicitor Generals had approved it. That Appellate Tribunal might consist of three members—two transferred from the Judicial Committee, which heard few English cases, and one new Member; but imagine such a Court overruling the decisions of one of the primary Courts, consisting of three Judges of the highest weight and authority! Surely, it would be better to leave things as they were until you knew what you were going to do; but if this course were impossible, the Bill would be a very unsatisfactory one, unless it were altered materially. He feared that the secret unavowed cause of such a Court being proposed was the desire for an unwise economy in the administration of justice. In his opinion, counting the circuits and the Judges required for town business, the number of Judges proposed under the Judicature Act would be found lamentably insufficient. No doubt, judicial time might be economized, but the proposed reduction would cripple the operation of the Act in the most serious way, and the Act itself would not have that fair chance which every law reform should have. He could not agree with the Solicitor General that the number of

heads in an Appellate Court made no matter. No doubt the quality of the heads was of more importance; but it would not be well to have judgments of a Court in which there were three heads of good quality overruled by a Court of inferior numbers. He would urge on Her Majesty's Government to do one of two things, either to let this Appellate question stand over until next year, when it could be satisfactorily dealt with, or if they were to constitute a Court of Appeal under this Bill let it be one which would be acceptable to the profession and the public. If they took either of these courses, he could assure them that all on that (the Opposition) side would assist in making the measure as perfect as possible.

LORD ELCHO said, with the exception of the right hon. Gentleman (Mr. Lowe) that debate had hitherto been carried on by the lawyers, and he should not have ventured to intrude himself on the notice of the House, if it had not been for the fact that the Appellate Jurisdiction of the House of Lords was, as it had been justly described, a momentous question, and that a Committee which sat on this subject, and on which he served, had been spoken of in not very complimentary terms. In the outset he could not help asking himself this question—how the taking away of the Appellate Jurisdiction from the House of Lords would affect their position as a branch of the Legislature? It appeared to him that if the House of Lords were no longer looked to as the Supreme Court of Appeal, their position would be lowered and their *prestige* seriously impaired. No doubt, if the House of Lords was inefficient as a Court of Appeal, and there were no means of improving it, no one for the sake of its legislative position alone would insist on retaining its Appellate Jurisdiction. But everyone in the course of the debate who spoke of its efficiency as a Court of Appeal was cheered. The hon. and learned Member for the Denbigh Boroughs, in moving the rejection of the Bill, stated that for weight, patience, and attention there was no Court of Appeal equal to the House of Lords, and the hon. and learned Member for Wexford said that their decisions formed a body of law unsurpassed in any country in the world. Looking to the expression of opinions from Liberal and hon. and

learned Members, and out-of doors, his hon. and learned Friend was justified in saying that opinion had been revolutionized on this subject. Speaking as a Scotch Member, he would point out that the feeling of that country was almost unanimously in favour of its retention, while in Ireland such men as Sir Joseph Napier, Lord O'Hagan, Lord Chief Justice Whiteside, and Lord Justice Christian, and in England, Lord Penzance and others were in favour of its retention. They had thus a general consensus of opinion in favour of retaining that Appellate Jurisdiction. Do not let them, therefore, sweep away an old institution which had done good service in the past. Further, when Lord Cairns brought in this Bill, he stated that they had worked off most of the cases before them, and that at the end of the Session there would be no arrears. By appointing Committees of the House of Lords to sit during the Recess a great deal of difficulty that was now felt would be removed. All great reforms went on this basis—they took what they found and improved on the old ground. We all knew that the eloquence of lawyers occasionally succeeded in getting wrong verdicts, and so the eloquence of Lord Selborne and Lord Cairns obtained a wrong verdict from the House of Lords in 1873. There was then a mania for change. Nothing was settled in Church, in land, in Army, or in law. Their Lordships, like every one else, were carried away, for it was impossible at the time to resist the force of the Government. It was the custom to praise that Parliament, but it was the worst Parliament he had ever seen. It was not so much a Legislative Assembly as a Parliament to register the decrees of an imperious Minister. An hon. and learned Gentleman opposite (Sergeant Simon) had admitted that the Bill of 1873 came down to the House of Commons with orders that it should be passed *en bloc*. There had now, however, been a reaction, not only in the House of Lords, but in the country itself; the feeling had changed, and it was felt that a great mistake had been committed, which must be rectified. How the House of Lords came to surrender its Appellate Jurisdiction, which was not a privilege, but a part of its constitution, he did not know; but if it found it made a mistake in doing so, he could not see

why it should not endeavour to retrace that mistake now. It would, it seemed to him, be cowardly if, perceiving it had committed an error, it should be ashamed to say so, and refuse to take back that which the public wished it to retain. The hon. and learned Gentleman the Member for Oxford talked of janissaries and of mutes passing round the Wool-sack with the view of causing the Government to change their views on the subject. There was, however, in the matter nothing to conceal. It was the Duke of Buccleuch, representing Scotland, who had placed a Notice on the Books of the House of Lords, and it was the right hon. Gentleman the Member for the University of Cambridge—a very safe Constitutional Member of the House of Commons—who gave Notice of an Amendment in respect to the Bill as it then stood. In the whole proceedings, therefore, there was nothing of conspiracy or anything which could fairly be described as “hole and corner.” And if a committee did meet which was interested in the question, he should like to ask whether there were no meetings ever held at Lord Granville’s? Was there never any such thing as the Lichfield House compact; and had not meetings taken place in the Tea-room of that house, and also at Carlton House Terrace? It was idle, he contended, to speak of the committee which met in St. James’s Place as unconstitutional, or as composed of persons having no legal or official position, or as being a coalition, or confederation, or cabal. In abusing the committee, however, those who used such language were only following the example of Lord Selborne himself, who, in addressing a number of his friends at Fishmonger’s Hall in the course of the spring, said it seemed to him unendurable that measures of great importance to the community, introduced by the Government, should be frustrated, not by mature public opinion, but by the action of cliques and intrigues. Now, when he read that language he, as a member of the committee, could not help feeling that it was to be regretted that Lord Selborne had infused all his Christianity into his Psalmody, and had not reserved a little for his prose. Mr. J. Stuart Wortley, than whom no one was more respected when he was in the House, or would probably have attained a higher position in his

profession had it not been for the state of his health, wrote a letter in reply to these remarks of Lord Selborne, in which he pointed out that the committee numbered among its members Peers, eminent Noblemen professing various political opinions, Members of the House of Commons, and men of high position both on the Bench and at the Bar, and that their proceedings had nothing in common with those of a coterie or a cabal. Mr. Wortley, in his letter, further showed that Lord Selborne was not always favourable to the views on the question which he now advocated, for he well remembered that when sitting with him on the Conservative benches as a supporter of Sir Robert Peel, he had vindicated the Appellate Jurisdiction of the House of Lords, and had expressed a doubt whether any substitute for it which might be created would be so satisfactory to the country. When, therefore, Lord Selborne used such hard words in reference to the committee which met in St. James’s Place, he would remind him that it was a spot remarkable for caves. A cave had once assembled on the other side of the street from that on which the committee held its meetings, whose members Lord Russell had politely called brigands, and who succeeded in throwing out a Bill which had been brought in by the Government of the day. Now, he did not pretend to say that the committee to which he belonged had the slightest influence on the House of Lords or the Government; but if it had, those who endeavoured to show that it was composed of very mean materials cut the ground from under themselves, for it must be apparent that they were powerfully backed by public opinion. It was somewhat extraordinary, he might add, that those who used such language should have forgotten that there were such associations as the Birmingham Reform League, the Anti-Corn Law League, the modern Electoral Reform Association, and such institutions as the Reform and Devonshire Clubs. It was quite true, indeed, that when he walked down St. James’s Street he never saw more than one member in the last-named club, and some persons went even so far as to say that he was stuffed; but it was, nevertheless, intended to exercise a powerful influence by uniting under the wing of the House of Devonshire all

the scattered elements of the Liberal Party. Then there was the Law Amendment Society, the Church Liberation Society, the Education League, and the Contagious Diseases Acts Repeal Association, to which a late Cabinet Minister had given up his life, and the action of which seemed to be to deluge the houses of respectable people with filthy literature. Let them have no more abuse of the St. James's Place committee when they remembered such institutions as those to which he had referred, and which, as long as they were a free country, must exist. With reference to the general principle of the Bill, that, he felt, was a question to be dealt with by gentlemen of the legal profession: and, for his part, he would only say that he had the utmost confidence in the Government as to their dealing with the matter. The action of the Government had at least given time for the consideration of the question of the Appellate Jurisdiction of the House of Lords; and he believed that, so far as they had gone, they had acted carefully, cautiously, and wisely.

MR. LAW said, he must express his regret that the noble Lord who had just spoken should have used language towards Lord Selborne which was hardly called for in the present discussion. Lord Selborne's character, however, required no vindication, and the injudicious sneer which the House had just heard might, therefore, pass without further notice. Much had been said of a change of public opinion having taken place as to retaining the Appellate Jurisdiction of the House of Lords; but he might perhaps be permitted to say that he failed to recognize any such change. Although Conservative principles had triumphed at the General Election, the present Government deliberately introduced a Bill last Session to substitute an Imperial Court of Appeal for the House of Lords. That measure received the assent of both Houses, and when had public opinion been expressed since? Indeed, there was very little doubt that if it had not been for the attention of the House being somewhat suddenly directed to the Public Worship Bill, the Judicature Bill abolishing the Appellate Jurisdiction of the House of Lords would have passed into law last year. He could not help feeling that the Government was responsible for the present difficulty.

When the Judicature Bill of 1873 was being passed, it was felt by many hon. Members on both sides of the House that it was not desirable that there should be a separate Appellate Tribunal for England, while the House of Lords should remain as a separate Appellate Court for Ireland and Scotland. The right hon. Gentleman the Member for Greenwich and his Colleagues proposed to modify their Bill so as to carry out this view—providing at the same time that there should always be some Scotch and Irish Judges members of the new Imperial Court. That proposal, however, was defeated in "another place." A question of privilege as between the two Houses of Parliament was very needlessly raised, and the result was the confusion in which the subject still remained. Had the clauses proposed by the late Government been accepted, there would never have arisen any of the difficulty they had since had to deplore. For it must be remembered that the present Government fully approved of the withdrawal of their Appellate Jurisdiction from the House of Lords. To effect this they brought in their Bill at the commencement of last, and again at the commencement of the present, Session. But to make some change in the proposals of their Predecessors, they refused to provide that there should be a Scotch or an Irish Judge in the new Court. This must in any case have excited suspicions and jealousies; but the reason given for it was particularly unfortunate—namely, that it might not be possible to get an Irish lawyer or a Scotch lawyer fit for the office. It only needed this to raise a feeling against the whole scheme amongst the members of the Bar in Scotland and Ireland, and thus to mar what it was hoped would be a great legal reform. It was, however, a mistake to suppose that the members of the Irish Bar were all in favour of retaining the Appellate Jurisdiction of the House of Lords. A considerable number of them, of whom he (Mr. Law) was one, believed that the House of Lords could not be regarded as a satisfactory Appellate Tribunal. It might be so at the present moment, because it contained some very eminent and able Law Lords; but several of those eminent men had already passed the average number of years allotted to man, and whatever the ability and the despatch



with which business was now conducted there, it was not probable that it would long continue to be so. Indeed, he might say that when hon. Members spoke of the judicial ability now displayed by the Lords, they were thinking of the present Lord Chancellor and his two Predecessors, Lord Selborne and Lord Hatherley, all of whom had alike pronounced against the continuance of the House as the Final Court of Appeal. A very serious objection to the House of Lords as an Appellate Tribunal was the great cost at which business was transacted there; and, again, it was impossible they could be sure of having the best men to sit on that tribunal, for it was well known there had been lawyers of the greatest eminence in their profession, who from family or other reasons would not accept Peerages. The Lords, in short, at least with existing arrangements, could not fulfil the requirements of a permanently satisfactory Court of Appeal. It was desirable, however, that they should hear from the Government what they proposed doing as to the Final Court of Appeal. It might be that they intended to create life peerages, but if this was so, why could not the fact be stated? It might be that the Government intended to use up in the creation of the Intermediate Court all the available legal material, and then to come down next year and tell the House that all the other material having been exhausted, it must, as a matter of necessity, accept the House of Lords as the Final Court. The Government ought to make some clear and explicit statement on this important subject. He was anxious that the Bill of 1873, which was undoubtedly a great advance in legal reform, should be brought into operation at once. He would with that object recommend that the rest of the present Bill be passed reserving the portions which related to the Final and Intermediate Courts of Appeal, and following it up as speedily as practicable with the necessary supplemental measures for Ireland and Scotland.

MR. ALFRED MARTEN said, the whole object of the Bill was to bring into operation all matters in relation to the Supreme Court of Judicature, on which there was no disagreement, and to allow that part to stand over to which objection had been taken, and the whole tone

of the debate was a justification of the course taken by the Government. Every hon. Member had addressed his remarks more or less to an Ultimate Court of Appeal, showing that there still existed a great question that should be the subject of further consideration. The right hon. Member for the London University (Mr. Lowe) had treated the question as a Party one, and had made several caustic remarks on the conduct of Her Majesty's Government in introducing this measure; but he had refrained from stating his views as to the preservation of the House of Lords as a Court of Ultimate Appeal. It had been urged against the Government that, having such a large majority at their backs, they ought to adopt a strong policy, and force the House to yield to their views in this matter; but it was because the late Government had adopted that course that they had offended their supporters. The speech of the hon. and learned Member for Taunton was rather of an oratorical than an argumentative character, and he had endeavoured to insist upon the finality of the Act of 1873, which, he said, was passed without any resistance. The hon. and learned Member, however, appeared to have forgotten that on the 3rd of July, 1873, a division was taken on the question whether the clause which abolished the Appellate Jurisdiction of the House of Lords should stand part of the Bill, and that the clause was only carried by 154 to 93, no fewer than 13 Members of the present Government voting in the minority. Under these circumstances, it must not be assumed that the Bill of 1873 passed without opposition and with the general consent of both Houses. The present Bill proceeded upon a very plain principle of allowing that part of the measure of 1873 which gave general satisfaction to come into operation, and postponed the consideration of that part of it with regard to which it was desirable that public opinion should be allowed to ripen. In ameliorating our Judicature it was of the first importance that we should proceed step by step, and avail ourselves of changes made from time to time in the administration of the law, and which were found to work satisfactorily. In that way it would be found that the more slowly we introduced changes into it the more surely we should be advancing towards perfec-

tion. The Bill dealt with two most important branches—first, the clause which referred to the constitution of a Supreme Court which should come into operation at once; and the second, to create a Court of Appeal, either Final or Intermediate, as Parliament should ultimately determine. It would proceed upon the principle of reforms which had been for many years in force in Chancery, with the beneficial result that the time of the Court of Chancery was now largely occupied in disposing of questions which involved both Law and Equity. The legislation of a long series of years fully supported his contention that so much of the Acts of Parliament as related to the constitution of the Supreme Court of Appeal should be kept in active operation, thereby welding together the Courts of Law and Equity into one great Court. The House was invited to postpone the consideration of the constitution of an Intermediate Court of Appeal for another year. In his opinion, no sufficient reason had been given for the taking of such a step, and the Government had exercised a wide discretion in adopting an opposite conclusion. In Equity many important questions were decided by a single Judge, and the working of an Intermediate Court of Appeal, consisting of the Lord Chancellor and two Lords Justices, had proved eminently satisfactory. That Court of Appeal was the model of the Court for Intermediate Appeal proposed to be constituted under the Bill by Her Majesty's Government, and 20 years' experience had proved its excellence; while, on the other hand, they had the opinion expressed by the Common Law Bar, that the Court of Exchequer Chamber was not a satisfactory Intermediate Court of Appeal. Then, as to the ultimate appeal to the House of Lords, all that was asked by the Government was, that that question should be allowed to remain over unprejudiced for further consideration, and that course would be in accordance with the recommendation of the Commissioners in their first Report in 1869. The general opinion of the House was in favour of the second reading of the Bill, and it would be well to defer the consideration of details to the Committee.

MR. FARLEY LEITH said, it was not his intention to occupy the time of the House by going into the details of the Act

of 1873. He had voted for that Bill, and should deeply regret if, even though somewhat defaced, it should not come into operation as early as possible. Neither did he intend to discuss the propriety or otherwise of postponing the question of what should be the Supreme Court of Ultimate Appeal. He meant to confine his few observations to the proposals in the Bill which affected the constitution of the Court of Privy Council; and he thought one of these would have a most injurious effect by withdrawing from that tribunal into the new Intermediate Appellate Court two of its salaried Members, which must have the effect of weakening a Supreme Appellate Court with a wide and varied jurisdiction, and lowering the dignity of that tribunal. At present the Privy Council was a Supreme Court of Appeal in all cases brought before it from the Supreme Courts in India, the Colonies, the Ecclesiastical Court, and the Court of Admiralty in this country. It was therefore placed, as respected these appeals, in the same high position as the House of Lords with regard to appeals from the Courts in the United Kingdom. In, and previous to, 1851 the Court consisted of two ordinary unsalaried Members, with a large number of *ex officio* Members, including the Lord Chancellor, ex-Chancellors, the Master of the Rolls, the Chiefs of the other Courts—10 in all. In the last-mentioned year the difficulty was so great to obtain the requisite number of *ex officio* Members, that Act 14 & 15 *Vict.* c. 83, was passed to reduce the quorum of Members from four to three. This even proved ineffectual to obtain a quorum, and, in 1871, the whole system completely broke down; business came to a dead lock. The *ex officio* Members had the work of their Courts to attend to, and could evade the summons of the Registrar of the Privy Council to attend. The result was, that remedy was applied by the Legislature in passing Act 34 & 35 *Vict.* c. 91, which had completely answered its purpose. Four salaried Members were appointed who were able to carry on the business of the Court independently of *ex officio* Members, and ever since the business of the Court had been despatched without delay, alike to the satisfaction of the suitors from all parts of the Empire and to the members of the legal Profession who practised in that Court. It was now

proposed to weaken the Court by taking away from it two of these salaried Members—a course which was condemned by their past experience, and would shake the confidence of Her Majesty's Indian and Colonial subjects in this their Ultimate Court of Appeal; and he earnestly hoped the proposal would not be persisted in. If that measure were carried into law, the suitors would have great cause to regret it. He appealed most earnestly to the Attorney General not to reduce the Judges of the Judicial Committee. With regard to the Intermediate Court of Appeal, there would be a great increase of business in that Court beyond what was now transacted in the Court of the Exchequer Chamber, from the increased powers of appeals and the new procedures and practice introduced by the Judicature Bill; and nothing could compensate for the injury that would be inflicted upon the Court of the Judicial Committee if two of the Judges of that Court were withdrawn. It was perfectly clear that the Judges of the Judicial Committee of the Privy Council, under the former Judicature Bill, were only liable to be transferred into the Supreme Court of Appellate Jurisdiction, to be constituted on the abolition of the House of Lords as a Court of Ultimate Appeal; but this Bill would lower the two Judges of the Judicial Committee, and in doing so would inflict great injury on the suitors in that Court, and would bring back the miserable state of things previous to passing the Act of 1871. That injury was, so far, admitted, as appeared by an Amendment introduced into the Bill by the Lord Chancellor with the object of meeting it, and which provided that any two of the Lords Justices, so far as necessary and so far as the state of business might admit, should sit upon the Judicial Committee. The necessity would be clearer than the possibility; but, were it otherwise, the arrangement was contrary to the intention of the Judicature Act which contemplated these Judges sitting, not in a subordinate Court, but in the Superior Court of Appeal which was now suspended. The only practicable remedy was the appointment of two additional Judges at a cost of £10,000, which was a small amount compared with the advantage to be derived by the public, or the injury they would suffer if the present proposal was persisted in. He en-

treated the Attorney General to pause before he took such a step as that proposed in the Bill.

THE ATTORNEY GENERAL hoped he should be excused if he did not reply to all the adverse criticisms upon the Bill, because the arguments of some answered the arguments of others, while many criticisms referred to matters of detail which had better be discussed in Committee. He did not complain of, or object to, the many suggestions which had been offered, for which he had to express his thanks, and all of which should have full consideration. He wished, however, to recall the attention of the House to the purport and object of the Bill. It would call into operation those portions of the Act of 1873 which were based upon the recommendations of the Judicial Commission, and it would suspend the operation of those portions of the Act which were not recommended by the Commission, but which were in excess of what was recommended by the Commission, and which almost ran counter to the views of the Commission, for the passage of their Report which had just been referred to seemed to indicate that, in their opinion, it was desirable to retain the jurisdiction of the House of Lords until such time as it could be ascertained what would be the working of the Court of Appeal which they recommended. With respect to the remarks made by the hon. Member who had just addressed the House (Mr. J. F. Leith), in disapproval of the provision in the Bill to take two of the Judges from the number constituting the Judicial Committee of the Privy Council, he might state that the power of that Court would not be impaired by the arrangement; but this would be fully discussed in Committee; he might here remark, that the Bill, if passed, would not come into operation until November next, and by that time a large number of the Indian and Colonial Appeals would have been disposed of. As to what had been said about general concurrence in the Act of 1873, no doubt there was general concurrence of opinion as far as regarded the principles of those portions of the measure which were based upon the recommendations of the Commissioners, and the discussion upon those portions of the Act related mainly to matters of detail; but there was not the same amount of con-

*Mr. Farley Leith*

currence in respect of the principles of those portions of the measure which were not based upon those recommendations of the Commissioners. He was not open to the charge advanced by the right hon. Member for London University, that he had offered no justification for the Bill, for, in moving its second reading, he stated distinctly that one of its principles was that there should be one Final Court of Appeal for all parts of the Empire; he had also strongly urged that there should be an Intermediate Court of Appeal. He believed that the Court which was proposed by the Bill would be the best for the purpose; but that was a matter for the consideration of the Committee. The main principles of the Bill were admitted to be right by those Members who had criticized it, and its provisions would carry into effect the recommendations of the Judicature Commissioners. In these circumstances he appealed to the hon. and learned Member for the Denbigh Boroughs not to ask for a division on his Amendment.

MR. WATKIN WILLIAMS, in asking the leave of the House to withdraw the Amendment, said, the general opinion of the House seemed to be that the Bill should be read a second time; and, therefore, no useful object would be attained by dividing. Moreover, his real object, as hon. Members were aware, in putting his Amendment on the Paper, was to elicit the opinions of hon. Members upon this subject, and that object had been fully accomplished by a long and exhaustive debate. Those opinions would be very valuable in Committee.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for *Monday* next.

#### OFFENCES AGAINST THE PERSON ACT AMENDMENT BILL.

[BILL 155.] SECOND READING.

(*Mr. Charley, Mr. Whitwell.*)

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Charley.*)

MR. P. A. TAYLOR, in rising to move, as an Amendment, that the Bill be read a second time that day three months,

said: \* Sir, if the Bill proposed by Her Majesty's Government be fairly and sufficiently described as a Bill designed to meet the evil of violent personal assaults by means of stronger, more certain, and more efficient measures of repression, I think no one who sits in this House would be disposed to challenge the second reading. But it is not so. Mr. Herbert Spencer, I think, has said—

"In the treatment of our criminals there alternate or co-exist an unreasoning severity with an unreasoning lenity. Now we punish in a spirit of vengeance, now we pamper with a maudlin sympathy."

The Bill of Her Majesty's Government, then, is based on this principle—namely, that it is wise and politic to attempt to counteract and to stamp out crimes of violence by violence, to meet brutality by a spirit of vengeance, by the brutality of the law; in fact, although euphemistically termed *Offences Against the Person Bill*, it is known more commonly in the Lobbies and in the House as "*the Flogging Bill*." It is for this reason that I oppose it. The experience and wisdom of our fathers, after a very long course of experiments in, and experience of, violent punishments, had, as one thought, finally determined that brutal and brutalizing punishments—punishments of torture—were altogether out of date. Those punishments certainly did one thing well—they brutalized society; but they did not by any means stamp out any one particular crime. The Flogging Bill of the right hon. Gentleman is, I am bound to admit, not a very violent or severe measure—for a Flogging Bill; but it does this—it organizes and it further extends the punishment of flogging. It will be in the recollection of the House that some 12 or 14 years ago there arose a sudden panic in this country about a particular description of crime, known as garotting. I suppose there never was a greater amount of panic with a less amount of reality. Under the influence of that sudden panic this House rushed into what might be called experimental legislation. We had at that time given up, it was hoped for ever, the practice of torturing our criminals; but as a remedy for this particular crime, and to stop the panic at this particular time, flogging was introduced, rather as an experiment than otherwise. That experiment has

failed as signally as did all the punishments of torture employed by our fathers before us. Yet when the Government might be expected to redress the error made at that time, and to go back to the more wholesome scheme of punishment, finding that the Act had proved an entire failure, they come forward instead and propose to recognize, organize, and complete the system of punishment by flogging. It is hardly necessary for me, Sir, to answer the assertion that we who are opposed to this punishment by torture, are friends of the garotters; that we have a kind of sentimental pity for them, and feel much more compassion for them than for their victims. I deny that entirely. There is nothing I hate more than needless torture for man or beast, but I cannot plead guilty to the soft impeachment. It is not the suffering of the garotter that moves me in this matter so much as the demoralization of society. Our sentiment and passion are rather aroused for our civilization, for our good repute among the nations, for our Christianity. And when I say our Christianity, I am not speaking of any particular dogmatic form of Christianity, but of that inner spiritual life which has done more than anything else to give Christianity its hold upon the world for the past 2,000 years. When we are charged with taking up the sentimental side of this question, I beg most respectfully to throw back the imputation upon those who make it. We are not the sentimentalists. Reason and experience are the groundwork of what we support. The hon. and gallant Member for Mid-Cheshire (Colonel Egerton Leigh) and the other hon. Members who hold the same views are the sentimentalists, if to be sentimental is to disregard the dictates of reason and the lessons of experience, and to be carried away by the temporary panic of the moment. That hon. and gallant Gentleman, forgetful of the lessons our parents learned, has his mind so filled and his ears so stuffed with the sufferings and the cries of the victims of personal violence, that he calls upon the Government to take some steps in the matter, and they reply by an attempt to stamp out by torture and blood these acts of violence. When I first entered this House, some 14 or 15 years ago, I moved year after year for the omission from the Mutiny Bill of the

flogging clauses; and, at last, upon the Motion of a Member who I regret no longer sits in this House, my Friend, Mr. Otway, flogging was entirely abolished in the Army. We little thought in those days when we were fighting flogging in the Army that we should have the whole question opened up later on, not merely in regard to the Army, but in regard to the punishment of crime. I well remember the anger hon. and gallant Members used to express against myself and others when we proposed that alteration of the law. They asked whether we thought them less tender-hearted—whether we considered them as disliking torture less than we did—or whether we thought that they were any more likely to desire to return to torture for civilian offences than we were? There were especial reasons, we were told, why flogging was essential for the Army. It was necessary to maintain discipline, without which the Army would be a mob, taken as it was from the refuse of the population. Little did we think then, when we believed we were destroying the last links of the system of punishment by torture, by getting rid of it in the Army, that the time would actually come when Her Majesty's Government would deliberately ask this House to revert to torture for civilian offences. Flogging in the Army came to an end. Why? Because the universal opinion of the country declared that it should exist no longer, because the opinion expressed by the hon. and learned Member for Sheffield (Mr. Roebuck) was the opinion of all cultivated men of the day, when he said he was sure "that no man after being flogged was an equal man to what he was before." The late Mr. Buxton, the representative of moderate and sensible men, said—

"It has been the great blunder which short-sighted rulers in every age have made, and which has been attended with invariable failure, to suppose that it is by fierce and appalling punishments that crime is best prevented."

Well, Sir, and how was it that flogging was done away with? It was never proved that discipline could be maintained without it: it was not competent to be proved that the Army could exist in its then condition if flogging was abolished—it was done away with by the sentiment of the British people, by a burst of indignation which declared

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that they would not endure this abomination any longer, that this wrong should not be done any person on the bare chance of there being some necessity for it, or of some good possibly resulting from it. The right hon. Gentleman who brought in this Bill (Mr. Cross) appears to think it of no great consequence. It has been kept before us days and weeks, but it is not a Bill to bring forward at an early stage of the evening, and it is not one in whose defence it is worth while to say a word. I venture to differ from him with regard to the importance he attaches to this measure. It is, I think, much more important than some others which we are to be detained here till Christmas, if necessary, to pass. It is for England, practically, a renewal and re-establishment of the principle of punishment by torture, and for Scotland it is absolutely so. ["No, no!"] That is the fact. The Act passed in 1863 did not apply to Scotland, and flogging there was abolished in 1862, after it had for 40 years previously passed into utter and deserved disuse. It had, as Alison said, writing in 1833, gone out of use by the change of manners. Some hon. Members seem to think that they have found a heaven-born remedy for crime, and that the "cat" has descended direct from the skies, as something entirely new in the history of our country. Let me read them a few words of graphic description as to how we have experimented in regard to flogging, contained in *The Law Magazine*. The writer says—

"We flogged men before hanging them; we flogged libellers regularly and mercilessly, we even went so low down in the list of offenders as to flog beggars. The practice grew into one of the arts, and culminated about the reign of James I. The last half of the 16th century and the first half of the 17th, deserve, I think, to be regarded as the golden age of flogging in England. During this period the cat was continually going. In prison and out of it, the warder always had his hand in. We flogged at the cart-tail in the street, almost as often as we flogged in prison. Our fathers were logical, and on the sound principle that what is sauce for the goose is sauce for the gander, they flogged women as well as men. 'They warmed her shoulders,' is the expression of one of our facetious Judges. No one, who knows the fact, can deny that they gave flogging a long trial in England; and yet in spite of this trial, and of a fervent instinctive, and as to its origin brutal and barbarous prejudice in its favour, with the firmest conviction that it was a heaven-appointed remedy, our fathers found that it did not answer. Crime did not diminish, brutality rather increased, and the same people

were often obdurate enough to be 'warmed' several times without beneficial effect. Reluctantly and with that sorrow with which men always part from long cherished belief, clinging indeed to shreds and fragments of it, they diminished the use of the cat. Something else had to be tried; and not having yet hit upon the right track for the diminution of crime, as we have done in more recent times, they substituted last century wholesale hanging for flogging. They very properly argued that hanging, being a more dreadful punishment than flogging, would be a more powerful deterrent. It had too the additional advantage, no slight one, of not requiring a second application. Accordingly they hanged for almost every offence."

Now, Sir, I am no advocate for hanging, but I do think hanging is preferable to torture. Well, to put a man out of existence is a poor and contemptible admission on the part of society, that with all its powers of administration, of restraint, and reformation, we cannot deal with this unhappy criminal, and so perhaps there is nothing for it but to put him out of existence. But it is infinitely worse to brutalize and torture him. I find there are some hon. Members of this House who do not know, or have forgotten, what this really means, and who doubt the justice of the word I use. They tell me—"We were boxed when we were babes, we were beaten when we were boys, we were thrashed when we were students, and to call it torture is altogether absurd." But these are not the punishments against which I am speaking. I may have—I have—my own opinion of the advantage of physical force. We have already discovered that we break in our horses and our dogs better by kindness and by rewards, than by the old system of cruel brutality, we may, perhaps, soon discover that we can do without it altogether with regard to children and boys. I am speaking rather of the punishment of the cat, the most painful instrument of torture the world has ever known. [The hon. Member having read a horrifying description of flogging from *The Medical Review*, and the opinion of the late Mr. Wakley, proprietor of *The Lancet*, proceeded.] *The Saturday Review* puts it thus—

"The simple question is whether a man who knows that if he commits an assault he will be flogged, is less likely to commit one, than a man who knows that he will only be imprisoned."

And *The Review* certainly carries out its principle to the fullest extent, for it says—

"There can be very little doubt that what is wanted is a periodical flogging—say, once a fort-

night—in addition to imprisonment and hard labour.”

All honour to the consistency of that illustrious print; but I do not think the House is prepared to adopt the views of *The Saturday Review*. Now, Sir, I will ask the House to look at the matter in this point of view. If there is one thing more cruel, more brutal, and more without excuse than the brutality of the individual criminal, is it not the act of society when it gets that criminal within its grasp? Society takes that friendless scoundrel by the throat. It has it in its power to do whatever it will with him; it can restrain him, it can shut him up for life, or until he has proved that he has some right by good behaviour to go out again; it can make him work for his living; it can moderate his rations if he shows too much strength; it can do all that is reasonable in the way of restraint:—and yet what does it do,—it imitates upon him the brutality which the garotter inflicted upon his victim. The lesson that society ought to teach him is that he has committed a crime against humanity. But what it does say is, that it is right and just to do to him all and more than all that he did to his victim, and it teaches him not that cruelty is an infamy, but that the motive, the object which he had in view, was wrong. Mark the lesson this teaches the brutal father who has disobedient children. Society cannot say obedience is not a good thing. How, then, shall he attain this good thing? The right hon. Gentleman teaches him—“Let him beat them until he has forced them into submission.” Or the brutal husband has a drunken wife. Assuredly it is a good object to reclaim her, and prevent her from ruining herself and her family. How shall the brutal husband effect this? The right hon. Gentleman teaches him—“Let him beat her till she cannot raise her hand to her head.” There is something, to my mind, infinitely mean and contemptible in this way of punishing our lowest class of criminals by brutal violence. Think of what their lives and chances are! They are born, literally and morally, in an atmosphere of crime; they have no chance of raising themselves from what they are; they live in the midst of a public opinion that surrounds them and teaches them and educates them in crime. Our system of *laissez-faire* government, the maintenance

of individual freedom, prevents any intercourse between ourselves and these the lowest branch of society. They may live in dens or garrets, but the philosopher or the missionary has no access to them; in fact, we are as much separated from them as though they lived in Central Africa. When a man offends against the law, we have legally and morally all power to deal with him. We can restrain him, we can punish him, we can make him work; we can, in fact, bring our culture, our civilization, our religion to bear upon him, and, if possible, to help to reform him. Yet the first time we come in contact with this wretch we show the excellence of our religion, the beauty of our culture, the charm of our refinement, by tearing his back with the cat. It is upon the demoralization of society produced by the infliction of such punishments as flogging that I lay most stress. Two or three years ago we even had a “torture literature” in the papers, and illustrations of flogging—and the Sheriff of London complained to *The Times* that when it was known that criminals were about to be flogged he received applications from persons of every degree desirous of witnessing this miserable spectacle. Sir George Grey, in the debate on the Bill of 1863, asked if flogging was so effectual, where was the line to be drawn? I repeat his question. If once you establish the principle that you are ready to attempt to stamp out a particular form of crime by violence, where indeed is the line to be drawn? A distinguished Member of this House, the present Chairman of Committees (Mr. Raikes), in his consistency of feeling proposed in two flogging Bills which he had before this House three or four years ago, and which came to nothing, to administer it for certain forms of libel. Why not stamp that out by flogging? What is there in these particular crimes of personal violence that makes flogging or other torture particularly applicable to them? On the contrary an equally good argument can be adduced to show that these are not the crimes most fitly punished by torture, if torture is to be used at all. Other crimes argue at least as much selfishness in their perpetration, and their consequences are a thousand-fold worse than individual attacks upon a particular man. Will you flog the fraudulent bank director who takes ruin

into hundreds of peaceful homes? Will you flog the debaucher of children under 10 years old? ["Hear, hear!"] There are thousands of such cases, but though hon. Members cry "hear, hear," I tell them that the House of Commons will never flog for such offences, because on the first cut of the lash touching the tender back of a gentleman the punishment will be swept away for ever. There is no limit to the extension of this principle, as the right hon. Gentleman who proposes this Bill will probably find. Will you flog women; and if not, why not? Barbarity, brutality, is not confined to one sex. Our fathers flogged women at the cart's tail. Are you going to do the same? If not, you have not faith in your opinions. Will you flog at the cart's tail; and if not, why not? The very advantage of these punishments is that they are deterrent, and if you really desire their full advantage, let it be known everywhere what suffering they create. It is not enough that the criminal classes should hear that suffering is occasioned by flogging. Let them see for themselves the streaming backs and hear the agonizing groans, or you do not do your duty by society. You inflict pain and cruelty upon the man you flog, because your object is not so much to punish him and prevent him from committing the same crime again as it is to prevent his class from doing the same thing. The poor sophism that because we do not hang in public that therefore we are consistent in not flogging in public is too glaring to need exposure. It is not the agony of death that acts as a deterrent, but the fact that death is inflicted, and this fact is sufficiently known by the announcements in the newspapers. But in flogging a man your principal object is that his class may know the agony he is suffering, and if you do not flog at the cart's tail, in the sight of all the world, as our forefathers did, you do not believe in your principles. I am almost ashamed to argue with a British House of Commons the economical side of this question, but if you flog a man you must imprison him afterwards, or else you turn a tiger out upon society. Further, is it nothing to say that we stand alone at this moment as the retainers or rather the returners to the punishment of flogging? At a Prison Congress, held in London some two or three years

ago, this fact came out with the most marked effect. The gentlemen who attended came from every civilized country—they were not doctrinaire prison reformers, but men who had spent years in practically dealing with prisoners. Severity rather than sympathy with scoundrels was the general impression which a visitor would have gathered—but when the subject of corporal punishment came on for discussion, one foreign speaker after another arose and denounced flogging in the strongest terms. We found that England stood alone; that flogging had been abolished in every other civilized nation; and that the prison officials who had been deprived of its use—doubtless parting with their cats with many regrets—had everywhere come to the conclusion that to inflict it was a blunder. Every one, Frenchmen, Americans, Germans, Danes, Italians, have given up the cat. Russia even has thrown down the knout, and Her Majesty's Government stoops to pick it up! The whole authority gathered from every quarter was against the policy of the Government—against punishment by torture [and the hon. Member read the opinions of Mr. Hill, formerly Inspector of Prisons, and of Mr. Sheppard, Governor of Wakefield Gaol]. I could go on giving authorities for ever, but that I am afraid of wearying the House. I will just, however, quote two distinguished ones from America. The Governor of Massachusetts State Prison, which contains about 550 inmates, says—

"I have never known an instance where I thought that a man would be made better by the infliction of blows;"

and the Governor of Wisconsin State Prison, one of the largest and best of American gaols, writes—"Corporal punishment is in no case inflicted." But it is said—"All this is very fair reasoning, but it must give way to the great law of fact. We had a terrible outbreak of garrotting some years ago, we established flogging as a punishment, and it was put down—so all your reasoning must go to the wall." I shall show by statements and official statistics, which I think hon. Members will not be able either to deny or disprove, that there never was a more utter fallacy than that. I shall first show that garrotting was a panic rather than a wide-spread crime, that whatever it was it had entirely dis-

appeared from London months before the Act was passed, and I shall then show that comparing previous and subsequent years to 1863 that the only crimes which have increased are precisely those which are rendered floggable by the Act passed in that year, and that all the other crimes have diminished. I will first call as a witness Lord Aberdare, who says—

“There was no idea more profoundly fixed in the English mind than that the punishment of flogging had put an end to garrotting. He happened to be appointed to the Home Office, as Under Secretary, in November, 1862, and the outbreak had taken place in the previous July. The streets were filled with police in plain clothes, and in an hour the whole of these garroters were in custody. In some 25 cases which had been reported, there was only one genuine case, when they came to be examined into, and that was a case of an old woman on Primrose Hill, who was robbed with a certain amount of violence. Every woman who was found drunk in a gutter had been garrotted; every footman who had got a black eye had been garrotted, and there was a great deal of alarm about it. That Act had the credit of having put an end to those offences, which had been entirely stopped by the action taken some eight or nine months before. Robberies with violence had gone on decreasing in number. He did not, therefore, attribute any success in that instance to the punishment of flogging.”

So much for the existence of garrotting as a wide-spread form of violence. The hon. Member then proceeded to read at great length statistics and figures to show that antecedent to the passing of the Flogging Act and Baron Bramwell's “wise severity” crimes of violence had continuously decreased, and that the same diminution had followed that period though the infliction of sentences of flogging were rare; and also reports of local authorities of great centres of population, brutal assaults, wife-beating, and crimes of violence had undergone a continual diminution compared with 20 or 30 years ago. Referring to the effect of flogging upon crimes of violence the figures showed that those very offences of robbery and assaulting to rob, which the Garroters Act of 1862 was passed to put down, increased and not decreased during seven years subsequent to the passing of that Act, whereas of those offences accompanied by violence which were not floggable the numbers of which in 1862 were 2,321, had decreased in 1869 to 2,155. Therefore the only crimes with violence that increased in the year subsequent to the Flogging Act were precisely that

form of crime which was made floggable under that Act. And the result of that further is that, taking the 10 years before 1863 and the 10 years after, there were in the former period 3,261 floggable offences, and in the latter 3,380; while, on the other hand, the total number of offences against property with violence was 800 less in the latter period than in the former period. Again, taking the five years before 1863 and the five years after, the floggable offences increased from 1,450 in the former period to 1,910 in the latter. The right hon. Gentleman has not prefaced his Motion to-day with any observations, and it is therefore impossible for me to tell upon what he relies. Perhaps he relies upon the Report of the Judges. Now I do not hesitate to say—and I ask the House to be good enough to follow me in this—that the Report of the Judges is alone amply sufficient to condemn this Bill. If the people of this country are to return to the brutal punishment of their forefathers, and if we are again to go back to punishment by torture, the least we can ask is that there shall at least be something approaching to unanimity upon the bench of Judges. All men must know that, and, most of all, they who have to deal with and sanction by their moral influence, this change if it be necessary. Another ground for opposition to this Bill which I would urge is, that if there be one rule more universally held than another in regard to punishments, it is whether they be severe or not, at all events they must be certain. Yet there can be no doubt that if you have this great diversity of opinion among the Judges, the gambling element enters into the question, and whether a criminal is to be flogged or not will depend upon the accident of a circuit. What are the Judges' opinions? Lord Coleridge, Mr. Justice Brett, and Mr. Justice Denman declared emphatically against flogging. Mr. Justice Keating said that the Act not having made the sentence of flogging compulsory he had himself never passed it; and that the late Mr. Justice Willes, who thought much on such subjects, was wholly opposed to it. The diversity of the Judges in regard to the crimes they would punish by flogging, is yet more marked. Some would inflict it for indecent assaults and rapes upon children, and one Judge would punish stack firing with it.

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The belief of the Judges in its efficacy is also very varied. One did not believe in it, three declined to express an opinion, and two or three inferred that it did good because offences diminished—that is to say, they took the reports in the newspapers and believed them—while Chief Baron Kelly says it put down garrotting. Mr. Justice Lush says that he flogged everybody convicted of these offences, and so put them down; but Mr. Justice Keating, who took the circuit next time, said he was obliged to have recourse to very severe punishments, so terrible was the amount of crime which had sprung up. When the Lord Chief Justice pronounces an opinion *ex cathedra*, it behoves those who are not professional men to regard it with the greatest respect and reverence; but when he gives reasons for the faith that is in him, then even non-professional men may venture to criticize them. Thus, when he says that he is in favour of flogging because it has put down garrotting, “as they saw in the newspapers,” we know so far as that reason is concerned that his conclusions are false. The Lord Chief Justice says—

“In recommending the infliction of corporal punishment in such cases, I assume that the punishment in its infliction will be kept within due bounds of moderation and humanity; and while it carries with it such an amount of bodily pain as shall operate to deter offenders from acts of brutal violence, shall not be unnecessarily severe, or calculated to cause prolonged suffering to the party undergoing it. I presume that the degree of severity with which the punishment is to be inflicted will not be left to the discretion of those who are to inflict it, but will always be under the regulation and direction of the Executive Government.”

The first part of this reminds one of the recommendation of Elizabeth, that the rack shall be used “as gently as such a thing may.” How it is to be “always under the regulation and direction of the Executive Committee” I fail to see, unless the right hon. Gentleman proposes to be himself present at every ceremony of the kind, and I have no doubt if he were it would be very much for the advantage of the criminal. It will be seen that this condition of the Lord Chief Justice invalidates and renders worthless the judgment already given, because the punishment will depend for its severity, not upon the Judge or jury, but upon the thews and sinews of the warder who has to administer it, and upon the bodily vigour and strength of the victim. And

we know from the testimony of Mr. Wakley that no surgeon can estimate the effect of a flogging. So far as the Judges are concerned, then, there is no justification for the Bill of Her Majesty’s Government. Whether the right hon. Gentleman relies upon the Reports of Chairmen of Quarter Sessions and other officials, I really am unable to say, but what strikes me in going over this Return is how skin-deep appear to be the reforms we thought most assured. Our law and punishment reformers, our Romillys and our Frys, and all those others thought they had mitigated the severity of our punishments, and that they had effected a real anchorage in the thought and knowledge of the nation, and yet here we have numberless officials, Chairmen of Quarter Sessions and others, not even impressed with horror that it is necessary to go back to these punishments, but entering into the subject with all the *gaieté de cœur* with which a French Marshal entered the late War. You will find that in a large number of answers the writers know nothing about flogging, because it is limited to crimes of violence, although they approve of it. There are many honourable exceptions, who decline to be made the official reporters of the Government, or to base their knowledge on newspaper paragraphs. For instance, Mr. Philip Sillard, Chairman of the Huntingdon Quarter Sessions—I name his name with all honour—writes—

“Although opinions have been expressed to me in the affirmative, they seem to me to be based upon reports of what has occurred elsewhere, rather than from any personal knowledge. I can only state that I do not know of a single case that has occurred within my experience in this county.”

The report from Essex is—“I believe from hearsay evidence that flogging has been very efficacious.” Hereford says—“No offence under this section has occurred in this district, but we are of opinion that it has worked well.” Radnor—“I do not doubt that flogging has been highly efficacious, but I only speak from reports in the papers.” Warwick—“I have not seen returns, but I have no doubt,” &c., while Kent and Wiltshire write—“Garrotting unknown, but flogging excellent.” I am sorry to see that in Scotland—although there they can have had no experience, because flogging was abolished by statute in



1862—that these official Returns, based upon paragraphs in the London newspapers, with some honourable exceptions, all go to support the right hon. Gentleman and his flogging measure. Now, Sir, I know we are very apt to deceive ourselves, but I do deceive myself if I have not made out a strong case against this Bill. I have shown that the proposed re-enactment and return to brutal, brutalizing, and exploded punishments has no excuse in the condition of crime in this country, and has still less excuse after the failure of the experiment of 1863. I appeal, therefore, upon these grounds, to Her Majesty's Government to reconsider their decision; failing that, I appeal to the House of Commons to save the country from this abomination, and failing that, one other appeal I make which I know will not fail, I appeal to the honest sentiments and generous intelligence of the British people.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months.”—(*Mr. P. A. Taylor.*)

Question proposed, “That the word ‘now’ stand part of the Question.”

MR. WADDY said, that according to the speech which they had just heard, all those Judges who did not entirely agree with the hon. Member for Leicester (*Mr. P. A. Taylor*) did not know anything about the subject; while everybody was entirely misinformed who did not base his opinions solely on the statistics which that hon. Gentleman adduced. Having himself the misfortune to differ from the hon. Member on pretty nearly everything he had said, he was afraid he should be told that he had gone into the subject of flogging with great gaiety of heart. It was impossible to expose all the hon. Gentleman's fallacies, because they were so numerous; but, at the outset, he protested against the attempt to prejudice the whole question by describing what was meant solely for punishment as “torture.” When torture was used, it was used for the purpose of extracting the truth, and was altogether different from that which was inflicted as a punishment. He protested also against having a picture drawn to them of the way in which some of their unfortunate countrymen were born upon dung-hills, brought up without educa-

tion, and then taken by the throat. Did the hon. Gentleman mean to say, because they had been raised upon dung-hills they were not to be punished at all? Were they to tell criminals—“You are ignorant, and therefore do not understand the nature of your crimes. You have been accustomed to look on felony almost as a trade; and therefore we cannot think of thrashing you, although you may have thrashed an innocent person within an inch of his life.” Might they not, according to that reasoning, go further and say—“Because you do not understand the difference between *meum* and *tuum*, we cannot think of putting you in prison.” Let the House not be led away from the real point before them by the tall talk which had been addressed to them. Of course, it was not pleasant to be flogged; and it was because it was not pleasant and they did not like it that men were subjected to that punishment. It was a gross fallacy to compare the infliction of two dozen strokes at the outside on men who had been guilty of the greatest brutality and the infliction in former days of 200 or 300 strokes—which was next door to murder—on soldiers of the Army, who had done nothing but run away to their wives or their sweethearts. Some of them had had experience of what had been the result of the punishments inflicted in consequence of the judgments of Mr. Justice Lush, whose name had been mentioned not altogether in a kindly way that evening. For himself, he could state that in a district where that experiment had been extensively tried, he had observed over and over again at the Assizes that after what was roughly called a “flogging Judge” had been sent round there was a remarkable diminution next time of offences of that character; while, on the other hand, when a Judge of exceeding tenderness of disposition went round, the result had been a wonderful crop of those crimes. He entirely agreed with the general principle of the Bill, which was that where men had committed crimes indicating great brutality, they must be men of an exceptional character, and must be punished in an exceptional way; that they were men so thoroughly hardened that you could only get at them by making them feel corporally what they would never feel in any other manner. In his experience at the criminal bar he

*Mr. P. A. Taylor*

had found prisoners curious not as to whether there was any hope of an acquittal, but as to whether they would be likely to "have their backs warmed," showing that this was what they most dreaded. There was no use in being very tender and almost poetical on such a question. Something had been said about periodical flogging. He was quite disposed to think that a very good thing. He believed it had been tried with eminently good effect, and he thought it might be well that the flogging should not be given all at once, but should be carefully distributed over the length of time that the man remained in prison. He would not let them have it all at once, if letting them know that more was coming would do them good. He was bound to say that he felt a very great amount of sympathy with the victims; he could not give all his sympathy to a man who had knocked down a fellow-creature, and nearly kicked him to death; he must give some of his sympathy to the man who had been kicked. A man who deliberately went out with a life-preserver to catch some decent man going home, knock him down, half murder him, and then stamp upon him—such a man would not altogether have his (Mr. Waddy's) sympathy, because, when caught, he would get a good thrashing; but some of his sympathy was with that unfortunate man who was so brutally treated. He had risen to protest against the entirely false air with which this matter had been presented to the House and the glamour which had been thrown over it. As to its being said that we were to flog women, or to flog men at the cart's tail—these things answered themselves. It was not true that they wanted to frighten men by their seeing the blood run down the back; if they knew that the man got a good flogging in prison, that would be enough for them. Criminals of the character he had mentioned should know distinctly that when they were starting off on a dark night, armed with life-preservers or other weapons, they would get a good flogging, as sure as they were born, if they used violence; and such knowledge would have a wonderful effect upon them.

COLONEL EGERTON LEIGH said, that if speaking up for the rights of women was sentimentalism, he might own the soft impeachment at once. He had been very much surprised to observe

that during his speech the hon. Member for Leicester (Mr. P. A. Taylor) never mentioned a word about the sufferings of women. The hon. Member jeered at the Press, and said that its accounts of these outrages were not true. When they saw the trials that took place, and noted the convictions in which they resulted, and the places to which the offenders were sent, he thought it right, he admitted, that even a newspaper might sometimes tell the truth. Moreover, if lies were at one time the food of newspapers, they were not so now. In many of these cases the attacks on women amounted almost to "deferred murder." A man, for example, would jump on a woman, though she might be in the family-way; or would kick her in the face; or sometimes would work upon her feelings through her child by putting hot ashes on her baby's head. When he read of such cases he was sorry there should be such brutes in the world; but he felt no sympathy for them. He agreed with the last speaker in denying that there was any just comparison to be drawn between flogging in the Army and as it was proposed to be administered under the provisions of the Bill under discussion. He, for one, deprecated flogging in the Army; but he supported the punishment when it was intended only to be used as the reward of brutal violence, and as a means of protecting women and children, who could not protect themselves. There was no occasion that one man should be punished for an offence of this kind, if he only knew the punishment that awaited him if he did commit it. If a man kicked his wife, put her on the fire, or threw her downstairs, he owned he could not feel the sympathy for the brute which the hon. Member for Leicester felt. It was of no use to urge that cases of this sort were so few. Many of these cases were never heard, because it was in the nature of women to forgive and forget, and many a brute had been saved from punishment by his wife at the last moment telling a lie in his favour. Women themselves could not be trusted to deal with this question. He had a Women's Rights paper sent him the other day, in which they said—"Educate the men," and reasoned in this way, that if they could spell "cat" they would never require to feel it. He really had hoped that there would have been a general

feeling in the House in favour of this Bill. In his opinion, we had been at fault in not dealing energetically with these crimes of violence. If the Bill was passed he believed they would in future have very few cases of such brutality, because a man would think once, if not twice, before he brutally assaulted his wife or his children, for it was well known that the greatest bullies were the most arrant cowards. As to the talk of the hon. Member about flogging at a cart tail, and the other exaggerations in which he had indulged for the purpose of arousing the sympathies of the House, all he could say was that he believed their duty was to protect women, children, and weakly persons from such outrageous assaults, and, for his own part, he had not the slightest sympathy with the spurious sentimentality which would let off the ruffians who committed such brutal assaults without condign punishment. The fact that violent assaults were allowed to go without adequate punishment was more likely to brutalize a whole population than the other fact, that the commission of such assaults was certain to be followed by punishment in kind. The measure was purely of a preventive character, and as such it would have his cordial support.

MR. SHAW-LEFEVRE, in supporting the Amendment of the hon. Member for Leicester (Mr. P. A. Taylor), remarked that in the course he was taking he was not impelled by any feeling of spurious sentimentality as it had been called by the hon. and gallant Member who had just sat down. The object of punishment was to deter crime, and if it could be proved to his satisfaction that flogging would have that effect, he would support the Bill; but it was because he was convinced that corporal punishment of a severe kind had always increased instead of diminished those crimes of violence and brutality that he opposed it. For nearly three centuries flogging prevailed both in England and on the Continent, but at the present moment England was the only country in which it was retained. He found that at one time ladies of honour were flogged for breaches of etiquette by the masters of ceremonies at some Continental Courts, and Peter the Great, when he was young, flogged his Court ladies, and when he was older he flogged his generals. Where it had been aban-

doned the reason for the abandonment had been that it was found impossible to tame a brutal man by inflicting a brutalizing punishment upon him, or permanently to decrease the number of the criminal classes by retaliatory punishments. He would ask the House whether the amelioration of our criminal law had not produced a great improvement in this respect. In 1842, when our population was 16,000,000, the number of persons convicted and sentenced to transportation or penal servitude was 4,718. In 1872, during which interval great ameliorations had been introduced, and when the population had increased to 23,000,000, the number of convictions had fallen 1,514, or less than one-third in 30 years. It was strange, however, that the Judges had always been the most strenuous opponents of every attempt to humanize our law. ["No, no!"] He said that and repeated it. In 1820, when it was proposed to abolish capital punishment for the offence of stealing goods of the value of 5s., Lord Ellenborough, in the House of Lords, said the Judges were unanimously against the proposal, and he added, if it was agreed to, "we shall not know whether we are standing on our head or our feet." He confessed, therefore, that he was not surprised to find the Judges in favour of flogging. There was something in the position of a Judge which led him to favour retaliatory punishments. ["No, no!"] He repeated there was something in the position of a Judge which inclined him to favour retaliatory punishment—he would not call it "torture." ["No, no!"] Why, he was just reminded by his hon. and learned Friend the Member for the City of Oxford (Sir William Harcourt) that Baron Bramwell had made use of the expression that there ought to be a power of retaliation on offenders—of causing them to suffer pain similar to what they had inflicted, and the same opinion was given by many others of the Judges. It had been said that this Bill was justified by the result of the Bill of 1863, which was brought in to put down the offence of garotting and crimes of robbery with violence. It was true that the brutal crime of garotting was put down in a short time, but the brutality and violence was only turned into another direction. Crimes of violence,

instead of diminishing, increased, and the figures of the hon. Member for Leicester he regarded as conclusive on this point. From judicial statistics it appeared that for the five years previous to 1863, when the Act was passed, the number of robberies with violence was 290 a-year, while for the five years subsequent to that date the number was no less than 383—nearly 100 a-year more. As to garotting itself, all the evidence pointed to this, that there was a sudden outbreak in 1862, and that only about 90 persons altogether were concerned in it. Sir George Grey, who was Home Secretary at the time, admitted that the outbreak had entirely ceased before the Bill was brought in, and it was also testified by Lord Aberdare that it had ceased by November, 1862. The fact was, that within a few weeks after the outbreak the offenders were all in prison. Lord Aberdare had assured him that the Home Office in December, 1862, was pestered by people who complained of having been the victims of garotting, but that on investigation not one of them proved to be a genuine case. Among the cases which proved not to be founded in truth was one of a young lady who said she had got a black eye and had her hair pulled out by garotters; but it turned out that she did not lose her hair by garotters, but that she had actually sold it. ["Oh, oh!"] He had the fact, and others that he had stated, from Lord Aberdare, who was then Under Secretary for the Home Department. The fact was, that the "panic" from the fear of garotting continued long in the public mind after the crime of garotting had ceased, and in many instances persons who alleged that they had been garotted and treated with great violence were found on inquiry by the police to have fabricated their complaints. It was alleged that brutal assaults had greatly increased during the last few years. The Blue Book contained Returns from the chief constables of the number of such cases, but no total for the whole country was given. Adding them up, he found that the numbers of brutal offences for which offenders were tried and convicted were—in 1870, 371; in 1871, 311; in 1872, 311; in 1873, 312; and in 1874, 351, showing no substantial increase of brutal assaults. The assaults summarily convicted were as follows:—

in 1870, 3,076; in 1871, 2,566; in 1872, 3,164; in 1873, 3,212; and in 1874, 3,777; and the increase was confined to Lancashire, the West Riding, Stafford, and Durham, where there had been a great rise of wages and a proportionate increase of drinking; but the increase of crimes of violence caused thereby was not necessarily of so permanent a character as to justify a change in our legislation, and now that wages were lower these crimes would probably diminish. Again, certainty was an essential element in criminal jurisprudence, and the Bill would fail in this respect. If there was any class of offences to which the promoters of the Bill would wish it to apply, it was to wife-beaters. He was by no means sure that the Bill was so worded as to apply to them; but supposing that it did, he would remind the House that greater powers had been given to magistrates to punish aggravated assaults upon women than upon men. A magistrate might send an offender of this kind to prison for six months with hard labour, while in ordinary assaults the limit was two months without hard labour. It was found that if wife-beaters were to be punished at all they must be dealt with summarily, for if the investigation were deferred, the wife would not appear and give evidence against her husband. If the Bill gave power to the magistrates to send these cases to the Assizes, what chance would there be that the wife would give evidence against the husband? And if she did, would any Judge flog the husband and then send him back to the arms of his unloved, but, perhaps, loving wife? After such a punishment the husband could never regard his wife again with affection or respect; and he (Mr. Shaw-Lefevre) put it to the right hon. and learned Recorder whether, after such a degrading punishment, a divorce between the parties would not be advisable as the best course that could be adopted, for they could never be expected to live in peace. He, however, saw no clause in the Bill to that effect. Another element of uncertainty was this—that there were flogging and non-flogging Judges. It was well known that some Judges would not administer flogging—it would depend, therefore, upon what Judge went the circuit whether such punishment were awarded

or not. Another element of uncertainty was this—As magistrates might commit either to Assizes or sessions, and as flogging was to be ordered only by Judges, non-flogging magistrates would commit to sessions. Again, juries often refused to convict of offences which carried certain punishments, non-flogging jurors would not find verdicts for the serious offence which was to be punished by flogging. These elements of uncertainty would very seriously affect the administration of the Bill if it became law. The increase of crime was in the less serious class of cases which were dealt with summarily, and to which, therefore, this Bill would not apply. The Judges themselves complained that magistrates dealt with cases they ought to send for trial; and it was a question whether, in the case of wife-beaters, greater power should be given to the justices of dealing with this class of offence. In conclusion, he objected to the extension of flogging as impotent to prevent crime, tending to perpetuate and create a brutal class in the community, and to increase those very crimes it was intended to diminish.

MR. HENLEY said, when the Bill was introduced he asked himself these two questions—first, whether there had been any increase of the crime it was intended to meet, and, what was more material, how far the existing law had been put in force; for unless the present law was put in force they were acting mischievously if they attempted to meet any spasmodic outbreak of crime by fresh legislation, inasmuch as they were only tempting those who had in their hands the administration of justice to be lax and careless in carrying out their duty. It had been pointed out, and he could confirm the statement, that up to 1873, there had been no increase of this kind of crime in the previous 10 years, either relatively to the increase of the population or positively in the number of offences sent for trial in the Courts of Record, where they could receive more serious punishment than magistrates could administer summarily. In the five years from 1864 to 1869 the number of cases in Class I., which ranged from murders down to common assaults, was 12,300, and in the five following years the number was 10,797. Assaults attended with bodily harm numbered 3,383 in the first five years and 3,274 in

the second. Common assaults fell from 1,231 in the first five years to 929 in the second. Assaults on police-officers fell from 1,100 to 460. Clearly up to 1873 there was no great necessity for legislation. In the Blue Book recently circulated, certain crimes were classified under the head of "Brutal Assaults," but he could not institute a comparison with regard to these, because it was faulty in this respect—that in the areas formerly given were the counties including the large towns, whereas in the Blue Book just referred to, the counties proper, exclusive of the borough jurisdictions, were taken as the areas. The number of aggravated assaults on women and children was 3,203 in 1864 and 2,713 in 1873. These figures again showed a remarkable diminution. There might have been a spasmodic increase in the last year; but it would be better to wait and see whether the law had been fairly put in force within the last 18 months by sending the severe cases for trial, when they would receive proper punishment. They could not shut their eyes to the fact that, during the reign of Her present Majesty, a most remarkable relaxation of punishment had taken place, which, perhaps, had never before occurred in the history of this country. Of the class of offences under consideration, notwithstanding an increase of population of 50 per cent, the number of cases were, in the period of 1834-37, as nearly as possible identical with what they were now. He did not think the House had sufficient evidence fairly to induce them to legislate; because if they did legislate without full knowledge and persuasion, that the law was not, at present, fairly enforced, it would tend to lead to a lax and careless administration of the law. He could not, therefore, vote for the second reading of the Bill.

MR. HOPWOOD, in opposing the Bill, said, that under the present law 50 lashes might be inflicted, and the punishment might be repeated, whereas the present Bill limited the punishment to 25 lashes. That, he thought, was an indication that the Home Secretary himself did not like the Bill. His hon. and learned Friend the Member for Barnstaple (Mr. Waddy) said that he had considerable experience in criminal cases; but so had others who did not agree with his hon. and learned Friend. The Judges themselves were not agreed. Mr. Jus-



tice Keating wrote to the effect that, so far as his experience went, he had not observed the law to be deterrent. That learned Judge remarked of an Assize which had come after a flogging Assize, that he had been obliged to inflict larger and heavier sentences. Mr. Justice Denman had also said that a man came back to him who had been flogged, and he had to give him a heavier sentence and penal servitude, and that, so far as he could judge, flogging was not successful. No doubt there were other Judges who did not take this view, but took that which was almost universal among officials. Flogging was substituted for burning in the hand by the 19th of Geo. III., and by the 7th and 8th of Geo. IV. it was reserved for certain offences. But that statute had never been repealed unless by implication in the Consolidation Statute. In the case of women, whipping was abolished, but not in the case of men. But everybody grew sick of it, and with one consent it was given up. So disused had it become that every one thought it had been abolished by statute. As the punishment had thus been voluntarily given up he trusted the House would never lend itself to re-enact it in the smallest degree.

MR. PAGET said, he recognized with regret the stern necessity of some legislation in the direction of the leading principle of the Bill. It was necessary, however, and he had no option but to accept the measure. One reason why he did not hesitate to accept the Bill was because he thought that punishments under it would be of very rare occurrence. Only in exceptional cases and to punish exceptional brutality would the lash be resorted to. He believed that the infliction of an exceptional punishment in cases of exceptionally brutal offences would put an end to the practice of brutality, for the reason that men's minds would naturally revolt alike against the crime and the punishment, and both alike would lessen in frequency. He could not for a moment admit that the measure was drawn in a spirit of retaliation. Its framers recognized the principle that the sole end and aim of punishment was to deter from the commission of crime, and had drawn their Bill accordingly. One principle in the Bill, he thought, required further consideration. The principle on which our legal reforms had been framed was that

of expediting the administration of justice, and so lessening the expense attendant thereon. If a man were committed in August to the Assizes and there was no Winter Assize he might have to remain in gaol six months before he was tried. There was no reason why courts of quarter sessions should not be empowered to deal with offences of this sort. He therefore hoped the Home Secretary would consent to these cases being dealt with by them.

MR. MUNDELLA said, that as many hon. Gentlemen desired to speak on this highly important subject, and as the debate had not commenced until half-past 9 o'clock, he would move the adjournment of the debate.

MR. DISRAELI: The hon. Member for Sheffield has not done justice to his own case in saying that the debate did not begin until half-past 9. I trust he was engaged in a more agreeable manner in another place. Considering that the debate did not begin until half-past 10, I think he is justified in moving the adjournment of the debate.

SIR WILLIAM HARCOURT said, that they had heard the weighty opinions of his right hon. Friend the Member for Oxfordshire (Mr. Henley), who always spoke with an authority which was acknowledged by the House, and he (Sir William Harcourt) was surprised at the absolute silence of the Government. They did not attempt to answer the statements made against the Bill. If it were necessary, it was the greatest public slander ever inflicted upon the English people. ["Oh, oh!"] Neither France, Germany, nor America inflicted such punishments. What would they think of England if such a Bill were allowed to pass without discussion?

MR. ASSHETON CROSS had supposed that the Motion for the adjournment of the debate was intended for purposes of discussion. It was not the fault of the Government that neither he nor the Solicitor General had addressed the House in this debate. He had explained the object of the Bill when he brought it in, and he was quite ready, when he had an opportunity, to defend it.

SIR WILLIAM HARCOURT: I spoke under an entire delusion. I thought that the First Lord of the Treasury opposed the adjournment of the debate.

*Motion agreed to.*

*Debate adjourned till Thursday.*

## SUPPLY—REPORT.

Resolutions [June 11<sup>th</sup>] *reported*.

First Six Resolutions *agreed to*.

Seventh Resolution read a second time.

MR. DILLWYN moved that it be reduced by £2,000, the amount for scientific investigations.

Amendment proposed, to leave out "£29,252," in order to insert "£27,252,"—(*Mr. Dillwyn*,)—instead thereof.

VISCOUNT SANDON defended the Vote, and explained that it was fully discussed on a former occasion, and he was sorry the hon. Gentleman again brought it forward. There was every reason to suppose that these investigations, from which great advantage might be expected to medical science and thereby eventually to the health of the nation, could not be undertaken by private individuals. The Government, therefore, considered that there could not be a more legitimate expenditure of the public money, and he trusted that, as on the previous occasion, the House would support the Government in this matter of public interest.

MR. WATKIN WILLIAMS objected to the Vote, because there was no control over the manner in which it was expended.

MR. HERSHELL thought the Government were justified in proposing an expenditure which was so beneficial to society.

MR. HOPWOOD, in opposing the Vote, said, that the objection was that the work should be undertaken by the Government.

Question put, "That '£29,252' stand part of the said Resolution."

The House *divided*:—Ayes 185; Noes 18: Majority 167.

Resolution *agreed to*.

Subsequent Resolutions *agreed to*.

HOUSE OCCUPIERS DISQUALIFICATION  
REMOVAL (SCOTLAND) BILL.

On Motion of Dr. CAMERON, Bill to relieve certain Occupiers of Dwelling Houses in Scotland from being disqualified from the right of voting in the Election of Members to serve in Parliament by reason of their underletting such Dwelling Houses for short terms, *ordered* to be brought in by Dr. CAMERON, Sir HENRY WOLFF, Mr. VANS AGNEW, and Mr. MACKINTOSH.

Bill *presented*, and read the first time. [Bill 210.]

House adjourned at a quarter after One o'clock.

## HOUSE OF LORDS,

*Tuesday, 15th June, 1875.*

MINUTES.]—PUBLIC BILLS—*Second Reading*—  
Bishopric of Saint Albans (108); Metal-  
liferous Mines\* (106).  
*Committee*—General School of Law\* (90);  
Sale of Food and Drugs\* (122-155).

## BISHOPRIC OF SAINT ALBANS BILL.

(*The Lord Steward.*)

(NO. 108.) SECOND READING.

Order of the Day for the Second Reading, read.

EARL BEAUCHAMP, in moving that the Bill be now read the second time, said, their Lordships would remember that at an earlier period of the Session the noble Lord (Lord Lyttelton) had brought forward a Bill, the object of which was generally the increase of the Episcopate. He (Earl Beauchamp) was not an enthusiastic supporter of that proposal; but by reading that Bill a second time their Lordships committed themselves to the principle that some increase in the episcopacy was necessary. The measure now before their Lordships—which had come up from the other House—differed from the Bill of the noble Lord in respect that it had a distinct and definite object—that object being to amend the Acts relating to the Ecclesiastical Commissioners, so as to enable them to carry into effect a proposal for the re-arrangement of the dioceses of London, Winchester, and Rochester, with the view to the erection of a new Bishopric of St. Albans. In fact, the object in view was to carve a new diocese out of the dioceses of London, Winchester, and Rochester. To a plan like this, which would transfer parishes from one diocese to another, which affected interests of long standing and touched old associations, it was not difficult to find objections; but it must be remembered that it was the existence of objections to the present arrangements which had given rise to this Bill, and it would be for their Lordships, as practical men, to consider what were the best means of remedying the evils it proposed to deal with. The question was whether a remedy for existing evils was not required, and whether that re-

medy would not be supplied in the least objectionable manner possible by the measure to which he asked their Lordships to give a second reading. The advantages proposed by the Bill were undoubtedly of a most substantial character, and he trusted their Lordships would not be deterred by any objections to "piecemeal legislation" from giving it full and fair consideration. The word "London" had received many and divers meanings in various Acts, such as the Police Acts, the Board of Works Acts, and others, and in like manner the Diocese of London had undergone several changes, and some even in our own time. That diocese in 1835 consisted of the whole of Middlesex, of Essex, and a portion of Hertford. The Bishopric of Rochester was at that time territorially the smallest in England, and the Bishop always acted as provincial chaplain to the Archbishop of Canterbury. In 1835 it was arranged that the diocese of Rochester should be entirely transformed. The city and deanery of Rochester was all that was left it of its old jurisdiction; but it received from London a part of Hertfordshire and the whole of Essex, and from Lincoln the remainder of Hertfordshire. The diocese of Winchester was geographically the ancient kingdom of Wessex, and it had undergone no change since the Conquest. It was abstractedly desirable that dioceses should have the same boundaries as the counties they contain—as in the case of Chichester, which was co-extensive with the whole county of Sussex. When, however, dioceses included such vast populations as the Metropolis and its suburbs, it was hopeless to sigh after an ideal state of things—they must be content to deal with things as they found them. In 1835, as he had said, there was a re-arrangement of the dioceses in the neighbourhood of London; but in 1863 the most rev. Prelate then the Bishop of London (Dr. Tait) held that a new distribution had become absolutely necessary. If it were necessary then, how much more was it necessary now, when the growth of population since those dates had been so enormous? In 1867, at the death of Dr. Wigram, nine parishes in Surrey and nine parishes in Kent were transferred to Rochester, under the arrangement agreed to in 1863. At the present moment the diocese of London

contained 4,608,000 souls, Rochester about 1,000,000, and Winchester about 1,500,000. It was deemed that the only satisfactory way of dealing with the existing state of things was by the creation of a new bishopric on the north of the Thames. Accordingly, by this Bill it was provided that the new bishopric of St. Albans should be formed to the north of the Thames, and would consist of the counties of Hertford and Essex, which counties would be taken away from the diocese of Rochester. The diocese so created would have for its cathedral church the abbey church of St. Albans. Again, with the view of securing a more complete episcopal supervision for South London and the district south of the Thames, it was proposed to transfer to what would remain of the ancient diocese of Rochester, after the loss of Essex and Hertford, all those parishes situated in East and Mid-Surrey which now formed part of the diocese of Winchester, and all such parishes in Surrey which now formed part of the diocese of London. This would transfer to the new diocese the large and populous parishes of Deptford, Woolwich, and others from Winchester, and of Putney, Mortlake, Barnes, Newington, and others from London. The Prelate who presided over the latter diocese would still have under his pastoral supervision a vast population, more than sufficient to require his utmost exertions. As to the endowment of the new See, the right rev. Prelate who presided over the diocese of Winchester (Dr. Harold Browne) had generously offered to give up the episcopal residence in London attached to the Bishopric of Winchester, in order that it might be sold, and that the proceeds might create a basis for the endowment of the new bishopric of St. Albans. The Bill accordingly would empower the Ecclesiastical Commissioners to sell the episcopal residence, and also to receive contributions for the purposes of an endowment of the new Bishopric. Upon the Commissioners certifying to Her Majesty that this fund produced a net income of not less than £2,000 a-year, Her Majesty was empowered to fund the new bishopric. The endowment would be further increased at a future time, because under the provisions of Clause 6 of the Bill, but subject to the rights of the existing Bishops of Winchester and Rochester,

there was to be transferred to the St. Albans Bishopric Endowment Fund such portion of the endowments or incomes of these bishoprics, as would in the case of each yield an annual sum of £500. The number of Lords Spiritual sitting in their Lordships' House was not to be increased by this Bill, but the occupant of the new See would succeed in the order of seniority to a seat in their Lordships' House. The formation of the new See and the appointment and income of the Bishop having been provided for, the Bill proceeded to provide for the constitution of a Dean and Chapter, and to assign to the Bishop all courts, officers, and jurisdictions belonging to a Bishop of the Church of England. For the former purpose the Ecclesiastical Commissioners were to hold in trust the St. Albans Bishopric Endowment Fund, for the purpose of paying to the Bishop an annual income of £4,500 a-year—the same amount as was now received by other Bishops—and next for the foundation of a Dean and Chapter, in such manner as may hereafter be provided by order of Her Majesty in Council. There was a further provision in respect of the See of Rochester, which it was right he should state to their Lordships. The present residence attached to that See was at Danbury, in Essex. This, always an inconvenient locality in respect of the diocese, had become useless now that the diocese would be entirely on the south of the Thames. The Commissioners were, therefore, empowered, with the consent of the present Bishop, to sell Danbury, and out of the proceeds to provide in the county of Surrey a suitable episcopal residence for the Bishop of Rochester; carrying any surplus to the Endowment Fund of the Bishopric of St. Albans. These were the general provisions of the Bill. The details required some previous knowledge of the subject to make them intelligible to the lay mind, but they had been most carefully considered by those who were well competent to deal with them, and he trusted that on examination they would commend themselves to their Lordships' House.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Lord Steward.*)

EARL STANHOPE thought that the principle of the Bill was excellent, and

*Earl Beauchamp*

that the details had been very well worked out. He wished, however, to draw attention to the clause which provided that there was to be no increase in the number of the Bishops who had seats in the House of Lords. In that clause—the 7th—it was provided that, except in the cases of the Sees of Canterbury, York, London, Durham, and Winchester, the seats in the House of Lords was to be supplied by seniority from those of the Bishops who had not previously been entitled to this writ of summons to Parliament. This was exactly in accordance with the precedent in the case of the newly-founded See of Manchester. In the case of only one or two new Bishops there might be no great objection, but if a further increase was in view, then he ventured to think that was not a desirable principle. Had it been in operation when the late Dr. Wilberforce was appointed Bishop of Oxford, and had there been four or five other Bishops before him in seniority, of how much power and eloquence would not their Lordships' House have been deprived for many years? He believed the sense of Parliament was against any increase in the number of the Lords Spiritual. That being so, he thought it would be better that the Bishops of the well-known Sees that had been in existence for ages should retain the right to sit in Parliament, and that the newly-founded Sees should not entitle their Bishops to any seat at any time in the House of Lords. This plan would also be in better accordance with the incomes. The new Bishopric of St. Albans would, no doubt, ultimately have an endowment equal to the older bishoprics; but that could not be so if many new bishoprics were founded. An income of £2,000 a-year was scarcely sufficient to enable a Bishop to bear the expenses of a residence in London or the other expenses incidental to a seat in that House. The question was not made very serious by the creation of one new bishopric; but the feeling seemed to be in favour of a considerable increase of the episcopate, and if this principle of seniority and rotation were to be introduced with respect to their seats in the House of Lords, he (Earl Stanhope) would feel it his duty to take the sense of the House on the question he had stated.

VISCOUNT MIDLETON knew that in the county of Surrey there was, and had been for many years, a feeling that the diocese of Winchester was too large, and an Association had been in existence for 15 years to obtain a division. But he thought if it was at length to be divided some means should be devised to keep the county together as a whole in one diocese. An injury was done to it by placing it in two different dioceses. The people in his part of the county were glad that they were still to be within the diocese of Winchester; but they could imagine the feelings of those in another part of the county whom this Bill would transfer to another diocese. However, believing that the Bill was an honest attempt to obtain an increase of the episcopate, he should not offer it any opposition.

THE BISHOP OF WINCHESTER said, that when the diocese of Winchester was first offered to him, he felt that the weight of such a diocese must be very great indeed, and he entertained doubt as to whether he could accept the responsibility, and when he was translated, and found the necessity of looking the facts fairly in the face, he found that he had become Bishop of the largest diocese in England, and the largest that had ever existed in England. It was true it was not the largest in point of population, for the population of the diocese of London was one-third larger, and the population of the diocese of Manchester was by 300,000 larger than that of his diocese, the numbers being 2,650,000, and 1,893,000, and Winchester 1,560,000, now nearly 2,000,000; but, in respect of area, the difference was much greater; the area of the diocese of London not exceeding 250,000 acres; while Manchester had 850,000 acres, Winchester had 1,570,000 acres. Therefore, taken as a whole, the diocese of Winchester was the largest and most laborious in the United Kingdom. Then in population all the diocese, but signally Surrey, had largely increased—especially of late years; for while in Middlesex there had been an increase of 15 per cent, in Surrey the increase had been 31 per cent. Not only was the diocese one of great extent and including a very large and increasing population, but at one end of it there was a very large town—South London—of 700,000 inhabitants. He felt it was not right that South

London should be attached to a diocese extending from the Thames to the coast of Normandy. The London portion of the diocese had a very large poor population, and required constant episcopal supervision. Well, attached to his diocese was an episcopal residence in London, which, he was informed, would sell for about £70,000; and he asked himself why should he live in a house worth £3,000 a-year, when by selling it, it would almost provide an endowment for a new bishopric? His original wish was that there should be a Bishop of South London, and that he should be a kind of missionary Bishop. It did not seem to him to be important whether that Bishop should be a Member of their Lordships' House or not. However, on his talking the matter over to members of the Episcopacy and lay friends of the Church, it was suggested to him that it would not be desirable to have a poor Bishop among a poor clergy in a poor diocese; and, on the whole, it appeared that the scheme before their Lordships was the best that could be devised to meet the particular object in view. Of course, it was impossible in forming only one new diocese to do all that was desirable, and all that might be done by a general re-distribution of diocese; but, on the whole, the plan before their Lordships seemed to be the most hopeful. He admitted the force of what the noble Viscount (Viscount Midleton) had said about placing one county like that of Surrey in two different dioceses; but at present different portions of Surrey were in several different dioceses—it was distributed among the dioceses of Canterbury, London, Rochester, and Winchester. If the whole of Surrey could be placed in one diocese, and several new bishoprics could be founded, that would be so much the better; but the necessary endowments could not be found. The present plan would constitute these manageable, but still large dioceses. Even with the proposed alteration, the diocese of Winchester would have a larger population than that of Lincoln, which had been frequently referred to as an overworked diocese. There was, undoubtedly, something anomalous in the Bishop of one diocese having ecclesiastical patronage in another; but still, if in Committee an Amendment was moved to authorize the Ecclesiastical



Commissioners to transfer from Winchester to Rochester the patronage of certain parishes, he should not object. His only wish was that everything should be done that was for the general interest of the Church. In conclusion, he could assure the noble Lord (Lord Lyttelton) that this Bill had not been brought forward in any opposition to his scheme for an increase of the Episcopate; but he believed that this Bill was only the carrying into effect in a particular case the general principle enunciated in the Bill of the noble Lord.

THE BISHOP OF ROCHESTER said, that when he was first appointed to the see of Rochester he received from the most rev. Prelate below him, who was then Bishop of London, a large accession to his diocese—an accession which was almost as large as another diocese. The most rev. Prelate handed over to him a population of 300,000, which since then had become, perhaps, 400,000. He could see by the aspect of those who were first introduced to him that they did not much relish finding themselves transferred from the one diocese to the other; but by this time they had almost forgotten that they had ever belonged to the diocese of London. It would be the same with the people who were to be transferred from Winchester to Rochester, and the other transfers it was proposed to make, and he trusted that these alterations would be found to tend to the benefit of the Church. That accession from the diocese of London to his own diocese had made him feel that some re-arrangement of the diocese of Rochester must be made. Considering its whole configuration and arrangement, and the large population it contained, it was impossible that that diocese could be managed by a single Bishop, and he was therefore glad that this Bill had been introduced. They must all acknowledge the perseverance, the energy, and the zeal with which, notwithstanding the lukewarmness of its friends, the opposition of its adversaries, and the vexation to which he had been exposed, the noble Lord (Lord Lyttelton), who had introduced another Bill for the increase of the Episcopate, had endeavoured to carry it through Parliament. He hoped that the present Bill would be amended with regard to the distribution of patronage. The large diocese of Rochester would be left with only 10 livings, or

14 benefices, as rewards for zealous service in the Church. Unless, therefore, something was done to assist the Bishopric of Rochester in that respect, he was afraid the present scheme might be deemed faulty indeed. Then, as regarded Rochester, the cathedral church would still be at one extremity of the diocese; and, as regarded St. Albans, if the diocese were constituted as now proposed, the same remark would apply to the new cathedral. But he concurred entirely in the hope that the Government before the Bill passed into law would make those changes in it which were necessary for its real usefulness. He trusted that that measure would be the precursor of other measures of a like character before very long. He believed that a fair and moderate increase of the Episcopate was necessary for the due development of the system of the Church of England. Many of the evils that had crept in among them had been owing to the isolation of the clergy and the want of episcopal superintendence. On the Bishops devolved the settlement of disputes and controversies which arose from time to time in their dioceses, and which sprung sometimes very much from the increased energy and devotion with which their parishes were worked. Many of those disputes, he believed, might have been avoided if the Bishops had been near at hand. The Bishops felt a deep personal interest in the work, and desired to bear their part in the increased spirit of piety and devotion which was spreading throughout the land. Those were his own sentiments, and the sentiments also, he was sure, of the order to which he belonged. And yet they were held up continually in public prints—which might not have a wide general circulation, but which were largely circulated among the clergy—to obloquy as men who only made use of their high office to quench the flame of piety and devotion, which, in truth, it was their highest hope to see spread throughout the length and breadth of the land. In conclusion, he rejoiced greatly that their Lordships were disposed to give a second reading to that Bill.

THE EARL OF CHICHESTER cordially supported the second reading of the measure.

LORD DYNEVOR: \* My Lords, as a clergyman, I wish to say a few words on the Bill. Good reasons have been given

for it. There are 5,000,000 of people in the three dioceses. Are three Bishops enough for them? I by no means wish to ignore the great work carried on by Nonconformists. As a Churchman, I desire to promote the efficiency of my own Church; but still I rejoice in the labours of thousands and tens of thousands who, though not wearing the same uniform, are allies in the same great war against vice and sin and human misery. Nor can I forget that there are more than 7,000 chapels in England and Wales, and more than 1,700,000 members of those communions. Nor have I any sympathy with those who would brand their ministers as "chiefs among schismatics, to be lamented over" rather than treated with reverence and respect. Still, in this million-peopled city, there is a vast multitude of persons as ignorant of the things which are of the highest importance as the people of Nineveh. This Bill is a step in the right direction, but I think there are weak points in it. Thus it takes away three-fourths of a million of a people from Winchester and transfers them to Rochester; but almost all the valuable patronage is retained by the former See, and only £500 a-year out of £7,000 is to be given up, though the population in the new diocese will be so much diminished. Another complaint is, that it allows the Bishop of Rochester—for whose character I have a very high regard—to take St. Albans with the whole of his present income, leaving Rochester, which the new Bill will make one of the most populous dioceses in England, with perhaps at present only £2,000 or £3,000 a-year. This measure has been much discussed out-of-doors and by the public Press. I am indebted to one of the morning papers for the heads of another plan, which I think is worth bringing under your Lordships' notice. The three Bishoprics of London, Winchester, and Rochester, comprise five entire counties and part of another, including London. There are 2,000 churches, 2,500 clergy, and 5,000,000 of people. The whole income of these Sees is £22,000 a-year. There are two palaces, one castle, and two town houses. It is urged that £22,000 a-year is enough to pay four Bishops. Danbury House and Winchester House would realize large sums: £75,000 is asked for Winchester House. Liberal voluntary contributions may also

be expected from the nobility and gentry. The suggestion thrown out is that this immense area ought to have at least five Bishops—one for the Metropolis, one for Herts, one for Winchester and Hants, one for Surrey and Southwark, and one for Rochester. Is the plan feasible? Can the money be found? We start with £22,000 a-year, and the five residences named. Take the case of the Bishop of London—£10,000 a-year, with Fulham Palace and London House. If both are necessary, then £10,000 a-year is not too much. But the question is asked out-of-doors, is a London house necessary when Fulham is so near town? For business purposes commodious chambers might be provided. I am disposed myself to think that a London house is requisite. However, according to the plan proposed £2,000 a-year would be gained, and the proceeds of London House, towards another Bishopric. The Bishop of Winchester, who has now £7,000 a-year, might be relieved of the charge of the whole of Surrey, including Southwark, in which case £6,000 a-year would amply suffice. This would give £1,000 a-year and Winchester House towards another See. There would then be five dioceses instead of three. £4,000 a-year each would be enough for St. Albans and Rochester, the smaller dioceses. The Bishop of Manchester, with nearly 2,000,000 of people has only £4,200 a-year, and Ripon with nearly 1,500,000 has only £4,500. The new See of Southwark should have £5,000 a-year. The whole needed for the five dioceses would be £27,000 a-year, leaving only £5,000 a-year to be made up. Danbury Palace, Winchester House, and London House, and after the next avoidance, Ely House, in Dover Street, might be sold. The income of that See is already £5,500. I do not expect your Lordships to adopt this scheme now. I believe you are in favour of the second reading of the Bill, to which I do not object, but I hope for some alterations in Committee.

LORD LYTTTELTON expressed a hope that the passing of the Increase of the Episcopate Bill would not be endangered by the views of the noble Earl (Earl Stanhope) who had spoken in the early part of the discussion. He thought the endowment provided was a fair one, and nothing more; but he did not object that the new Bishop was not to take his

seat in the House except in due seniority. He believed it would be of great advantage to have a larger number of Bishops out of Parliament, who would be able to devote their attention exclusively to their dioceses for a few years before taking part in legislative duties.

Motion agreed to; Bill read 2<sup>d</sup> accordingly; and committed to a Committee of the Whole House on *Friday* next.

#### GENERAL SCHOOL OF LAW BILL.

(*The Lord Selborne.*)

(No. 90.) COMMITTEE.

Order of the Day for the House to be put into Committee, read.

*Moved*, that the House do now resolve itself into a Committee upon the said Bill.

THE LORD CHANCELLOR presented Petitions from the Council of Benchers of the Hon. Societies of the Inner Temple and of Lincoln's Inn, protesting against the measure. They represented that by superseding the system of legal education established by the Inns of Court the Bill was obviously calculated to destroy those institutions altogether, inasmuch as it would be said, after it came into operation, that the very object of their existence had ceased, and that they had become mere instruments of call to the Bar. On the occasion of the second reading he (the Lord Chancellor) had stated certain objections he had to this Bill, as distinguished from the Bill for the Regulation of the Inns of Court. The latter, he believed, ought to become law, and might be extremely beneficial to the Inns of Court themselves. As to the Bill at present before the House, it proposed that for the present there should be established merely a body to conduct examinations in connection with call to the Bar; but, at the same time, it contemplated that as soon as funds could be obtained there should be really a School formed for the purpose of teaching law. Now, he held that a measure for that purpose was not only unnecessary, but entirely antagonistic to the other measure. By the Bill which had already passed their Lordships' House, powers had been given to the Inns of Court—much in the same way as powers had some time ago been given to the Colleges of Oxford and Cambridge—with a view to the im-

provement and development of legal education. It was provided that if within a limited time the Inns of Court did not provide an adequate system of legal education, the Commissioners appointed by the Bill should have power to make the regulations necessary for that purpose. Now, look at the effect of the present measure, in connection with the operation of the Bill which had already passed their Lordships' House. The Bill for the government of the Inns of Court proposed that those Societies should themselves pass regulations, and draw up rules for establishing the best and most judicious system of teaching law; whereas the present measure proposed to set up an antagonistic and rival School of Law—such a step must paralyze and bring to naught such efforts as the Inns of Court might make for the purpose of improving legal education. He entirely agreed with his noble and learned Friend (Lord Selborne) in desiring that some Examining Body should have the power of declaring who were properly qualified for admission to the Bar. Knowing as he did how anxious his noble and learned Friend was to do what was most expedient in this matter, he felt extremely unwilling to appear to take issue with him on the subject of this Bill, and, therefore, what he proposed was that the noble and learned Lord should rest satisfied with having passed this Bill through its second reading—or, at all events, with going into Committee upon it *pro forma*—and should wait and see whether the Bill for the Regulation of the Inns of Court was successful in passing the other House of Parliament. If the measure did not pass into law during the present Session, it would be open to the noble and learned Lord to re-introduce this measure next year, with such amendments as he might deem it necessary to make in it.

LORD HATHERLEY said, he thought that the Bar generally was much indebted to the noble and learned Lord (Lord Selborne) for bringing forward this measure, which, in his opinion, ought to become law at some future period—unless in the meantime a suitable scheme for the improvement of legal education was adopted under the provisions of the Bill for the regulation of the Inns of Court. He regarded it as an untoward circumstance that cer-

tain members of the Inner Temple should have presented a Petition to that House in almost identical terms with that which had been read to-night by the noble and learned Lord on the Woolsack. He regretted extremely that the terms of those Petitions showed that some members of the Inns of Court, at all events, regarded this Bill as calculated to have a mischievous and damaging effect upon those institutions. At the same time, however, he trusted that the noble and learned Lord would excuse him for expressing the opinion that, believing as he did that some larger measure would ultimately be necessary, it would be unwise to press this Bill forward at the present time, seeing that by doing so he might imperil the success of the Bill for the Regulation of the Inns of Court, which he believed would prove a really useful measure.

LORD SELBORNE said, he had taken the greatest interest in the subject of the improvement of legal education for several years, but his experience in life had taught him that patience was one of the most valuable qualities a man could possess. He had already borne a delay of five years, and he could bear some further delay, rather than unnecessarily widen any differences which might exist on this subject, between himself and others, with whom it was his desire to agree. Under the circumstances, therefore, he felt bound to adopt the suggestion of the noble and learned Lord on the Woolsack, and would not further press this measure in the present Session, after their Lordships had gone, *pro forma*, into Committee upon it. He hoped, however, that the Bill for the Regulation of the Inns of Court might pass into law in the course of the present Session. Before he sat down he must defend the Bill against certain misconstructions which had been put upon it in the Petitions that had been presented against it to their Lordships' House. The main object was to collect together and to give an aggregate constitution to the several learned bodies which were now separated. The interest the country had in proper provision being made for the best possible legal education for all persons, whether they practised the profession or not, ought not to be left out of sight in the consideration of the subject. He altogether denied the unworthy sugges-

tion that the Bill was meant to be antagonistic to the Inns of Court. The object in view was that all the legal institutions should co-operate and become constituents of a legal University or School of Law—he cared not by what name it was called—it would virtually be a University, and the relation of those bodies to it would be similar to that which existed between the Universities of Oxford and Cambridge and the Colleges they contained. He retained the opinion that it was desirous an aggregate body of the kind he contemplated should have power to contribute to the public teaching of the law; and he could not undertake that in any Bill which he might introduce in another Session, this subject should be wholly left out of sight, though he was quite willing to consider how far he could consistently go, for the sake of meeting, as far as possible, the views of his noble and learned Friend on the Woolsack.

Motion agreed to; House in Committee accordingly; House resumed.

#### SALE OF FOOD AND DRUGS BILL.

(The Lord President.)

(NO. 112.) COMMITTEE.

House in Committee (according to Order).

Clauses 1 and 2 agreed to.

Clause 3 (Prohibition of the mixing of injurious ingredients, and of selling the same).

THE EARL OF MORLEY moved, in page 2, line 6, to omit the word “knowingly,” the retention of which would, in his opinion, greatly mar the utility of the measure. How could it be proved—as it must be before a conviction could be obtained under the Bill if it became law as it stood—that a trader knew he was selling adulterated drugs or food? He believed that druggists, at all events, were perfectly competent to judge of the quality of what they were selling. They either mixed the articles they sold for themselves or they obtained them mixed from others, and in the latter case they had a remedy against the person they purchased from under Clause 5. He had no desire to harass traders or to place undue restrictions upon trade; but to secure that the Bill should operate beneficially, he hoped the word “knowingly” would be omitted from the clause,

THE DUKE OF RICHMOND said, the effect of the noble Earl's Amendment would be to render every trader who sold adulterated drugs or food, however ignorant he might be of the fact, liable to be imprisoned for a period not exceeding six months with hard labour. Surely their Lordships would not agree to the imposition of a penalty like that? A man might be perfectly innocent and have nothing whatever to do with the articles he sold save to sell them, and yet he would be liable to imprisonment. The clause was substantially the same as that in the Act of 1872—so that the proposed legislation was not new, but proceeded on the basis of the old. He should be sorry to omit the word “knowingly,” as he believed that great injustice might ensue if it were struck out.

EARL FORTESCUE thought that the onus should be thrown on the trader of proving his ignorance, as it would be most difficult in the case of a prosecution to prove guilty knowledge.

THE LORD CHANCELLOR said, that the noble Earl in moving to omit the word “knowingly” proposed that the question of knowledge should not enter into the offence. The Act would, therefore, impose a penalty of £50 upon a tradesman who sold a mixed article, whether he knew it to be mixed or not. Was that justice? A suggestion had been made by the noble Earl (Earl Fortescue) that the onus ought to be changed, and that it should be assumed that a man was guilty until he had proved that he was innocent. In that case, however, the mouth would be stopped of the person who could give the best evidence—namely, the accused himself, and thus while there was a fair chance that the prosecutor would offer presumptive evidence in favour of a conviction, there would be no opportunity on the part of the person accused of proving his innocence.

After a short conversation,

On Question that (“knowingly”) stand part of the Clause? their Lordships *divided*:—Contents 41; Not-Contents 23: Majority 18.

Clause *agreed to*.

Clause 4 *agreed to*.

Clause 5 (Prohibition of the sale of articles of food and of drugs not of the proper nature, substance, and quality. Exceptions).

THE DUKE OF RICHMOND said, he proposed to strike out the proviso that if a retail dealer who had sold an article in the condition in which it was supplied to him by the wholesale dealer was fined, he should have a right of action against such wholesale dealer for the recovery of the penalty and costs. It seemed to him that the proviso did not afford the remedy which was intended in the case it was desired to meet, and that this could be done best in Clause 24, which provided for the acquittal of the retail dealer if he had purchased from the wholesale dealer with a written warranty.

Amendment *moved* to leave out, line 40 from (“And”) to (“subjected.”)

THE EARL OF MORLEY approved the change, remarking that at present the retail dealer was under no obligation to prosecute. It ought to be clearly understood that there was to be a prosecution of the wholesale dealer if he were to blame.

Amendment *agreed to*; words *struck out*; Clause, as amended, *agreed to*.

Clauses 6, 7, and 8 *agreed to*.

Clause 9 (Appointment of analysts).

THE EARL OF MORLEY urged that the appointment of analysts ought to be made compulsory, and not left optional with local authorities. Appointments had been made already in 32 out of 34 counties, and in 154 out of 171 boroughs. If the Act had done good in some places it would do good in others; and it was desirable that there should be uniformity in the administration of the law, or else adulterated articles would certainly find their way into places where no analysts had been appointed. No doubt there might be a difficulty in finding analysts, but that could be partly met by the combination of authorities and the making of appointments for larger areas, and by boroughs accepting the analysts appointed by the county authorities. Essex, Kent, and Sussex had appointed analysts in London. Up to the present time he believed the Local Government Board had not exercised the power conferred upon them to compel a local authority to appoint an analyst.

Amendment *moved*, page 3, line 51, to leave out (“may”) and insert (“shall.”) —(*The Earl of Morley*).



THE DUKE OF RICHMOND said, he could not assent to the Amendment. The Local Government Board already had the power to compel where they thought fit, and it might be presumed they would exercise that power where they thought it necessary. It was not desirable to make appointments more compulsory than they were at present; and there were practical difficulties in the way of boroughs combining with counties and counties combining with each other, for there was no machinery to enable them to make the necessary apportionments of the salaries of the analysts.

THE DUKE OF SOMERSET thought it very desirable that the analysts should submit to some regular examination before they were appointed. The Committee had made a recommendation to that effect.

THE DUKE OF RICHMOND observed that the responsibility rested with the Local Government Board, and no doubt they would satisfy themselves as to the qualifications of the analysts before they sanctioned their appointment.

LORD ABERDARE suggested that, instead of the words that the Local Government Board "may" require satisfactory proof of competency to be furnished to them, the word "shall" should be substituted. This would go far to secure the appointment of properly qualified analysts. The Home Office could not appoint an Inspector of Mines without his undergoing an examination.

THE DUKE OF SOMERSET read an extract from the evidence given before the Committee to show that there would be no difficulty in having an examination at South Kensington. People would have more confidence in the analysts if they knew that they had been regularly examined. It would also tend to greater uniformity of opinion as to what should be considered adulteration if they passed an uniform examination.

THE EARL OF MORLEY said, it was distinctly recommended by the Select Committee that the appointment of an analyst should be compulsory.

On Question? *Resolved in the negative.*

THE DUKE OF SOMERSET then moved, in line 11 of the same clause, that the word "may" should be struck out and "shall" inserted before the

words "require satisfactory proof of competency." The clause as it stood provided that the Local Government Board, to whose approval the appointment of the analyst was to be subject, might require satisfactory proof of the competency of the person appointed. He thought they ought to be bound to require such proof, and therefore he proposed that Amendment.

THE DUKE OF RICHMOND opposed the Amendment, thinking they ought to place confidence in the Public Department, which could be trusted to see that there was satisfactory proof of competency in those cases.

THE EARL OF KIMBERLEY observed, that if they left the word "may" in the clause it implied an assumption that the Board would not, in all cases, require satisfactory proof of the competence of the analyst.

THE MARQUESS OF SALISBURY said, that there were cases in which it would be difficult to say in what mode the evidence of fitness was to be obtained.

On Question? *Resolved in the negative.*

Clause *agreed to.*

Clauses 10 to 26, inclusive, *agreed to.*

Clause 27 (Proceedings by indictment and contracts not to be affected).

THE DUKE OF RICHMOND moved, at end of clause, to add the following proviso :—

"Provided that in any action brought by any person for a breach of contract on the sale of any article of food or of any drug, such person may recover alone or in addition to any other damages recoverable by him the amount of any penalty in which he may have been convicted under this Act, together with the costs paid by him upon such conviction, and those incurred by him in and about his defence thereto, if he prove that the article or drug the subject of such conviction was sold to him as and for an article or drug of the same nature, substance, and quality as that which was demanded of him, and that he purchased it not knowing it to be otherwise, and afterwards sold it in the same state in which he purchased it; the defendant in such action being, nevertheless, at liberty to prove that the conviction was wrongful, or that the amount of costs awarded or claimed was unreasonable."

Amendment *agreed to*; words *added*; Clause, as amended, *agreed to.*

Clause 28 (Expenses of executing Act), *agreed to.*

Clause 29 (Tea to be examined by the Customs on importation).

LORD COTTESLOE said, that he objected to the clause, and wished it would be omitted from the Bill. It was not the duty of Custom House officers to examine articles which came from foreign countries. Take the quantities of tea imported annually: 161,000,000lbs. in 3,000,000 or 4,000,000 packages came to this country and would have to be examined, and to do that effectively the Government would require a whole army of Custom House examiners. Consider the expense that would be incurred. There might be no objection to meet those expenses, if such an examination were necessary; but it was not necessary, and for this reason, that the passing of the Act against adulteration had put a stop to the introduction of spurious teas into this country from China. The tea merchants should examine their own teas. The whole object of this clause was, he conceived, to saddle the public with the expenses of examination, and which the merchants should pay themselves. He would refer the noble Duke to the memorial presented to Mr. Gladstone by 78 large houses in the City, and they said that the sampling and examining of the teas should be done by the dock companies, and they considered that if that were done, the public would be properly protected. He hoped that the noble Duke would consider this matter. Testing teas could be only by sampling, and it was perfectly possible that in spite of the vigilance of the Custom House officers some bad tea might be brought into this country. If the clause should not be omitted, it ought to be amended.

THE DUKE OF RICHMOND regretted that he could not accept the proposition of the noble Lord. The Committee which had sat to consider this question had recommended that the examination of the tea should be conducted by the Customs on its arrival in this country, so as to put an end to the practice of adulterating tea which prevailed in China. He had been informed by the Custom House authorities that the examination of the tea could be made by the Custom House officers without difficulty. The effect of the clause would be to benefit the consumer and to protect the retail dealers in this country.

THE MARQUESS OF LANSDOWNE viewed with some apprehension the introduction by this clause of the principle

that the mere lodging merchandise in the Custom House was a guarantee of its purity.

LORD STANLEY OF ALDERLEY was of opinion that the effect of the clause would be to prevent bad teas being shipped from China.

On Question? *Resolved in the Negative.*

Clause *agreed to*; remaining Clauses *agreed to*; Amendments made; Bill to be *printed*, as amended. (No. 155).

House adjourned at a quarter before Nine o'clock, to Thursday next, half past Ten o'clock.

## HOUSE OF COMMONS,

*Tuesday, 15th June, 1875.*

MINUTES.]—SELECT COMMITTEE—Hampstead Fever and Small Pox Hospital, *appointed*.

PUBLIC BILLS—Committee—Land Titles and Transfer [105]—*r.p.*; Education (Scotland) (Sutherland and Caithness) \* [145], *debate adjourned*.

Committee—Report—Medical Acts Amendment (College of Surgeons) \* [100].

The House met at Two of the clock.

### CROSSHILL BURGH EXTENSION BILL.

(*By Order.*) CONSIDERATION.

THIRD READING.

Bill, as amended, *considered*.

*Ordered*, That Standing Orders Nos. 208, 224, and 248, be suspended in the case of the said Bill.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. ANDERSON: In rising to ask the House to support me in opposing the third reading of this Bill, I am aware that I am taking a course which is not a very common one, but at the same time it is a course not without precedent when the House has been satisfied that there was sufficient reason for it. As a general rule the House is anxious, no doubt, to support the decision of its Committees, as it very probably defers to the opinions of the Members who have sat upon those Committees, and who have thereby acquired abundant knowledge of the circumstances of the case; but I wish to submit that in this case, as far as the opinions of the Mem-

bers of the House are concerned, the question is at present entirely undecided, and that it is for the House itself to decide, for it is no secret that the four Members of that Committee were equally divided in opinion as to the merits of the Bill, and the decision that was come to was arrived at solely by an alien vote. I have no great knowledge of the procedure in the Private Business that comes before the House, but I have learned that in 1868, by an Order of the House, certain officers of the House called Referees were incorporated with the Private Bill Committees—and although I have put the question to many old Members of the House, I have been unable to find one who was aware that those officers had both the right to consult with the Committee and to vote. However, I suppose it is in order that they should do so, seeing that the House ordered it; but I do not think it is a very wise argument that anyone not a Member of this House, and not having the same responsibility, should have a vote in the Committees of this House. I have no wish to cast the smallest slight on Sir John Duckworth, who was the Referee in question. I know nothing of him, and I am willing to believe any good of him. I only object to a system by which anyone not responsible to the House, and who cannot speak from these benches as to the reasons which induced him to come to a vote, should have a vote at all. That, however, raises a wider question than we can discuss to-day, and I shall now simply give the history of the present Bill. Some years ago, the city of Glasgow, desiring to have a fine pleasure park for its people, bought an estate a mile or two out of the city, and had it laid out as a park under the supervision of Sir Joseph Paxton. It was a place that was highly interesting in its historical associations, being the scene of the battle of Langside—Queen Mary's last fight—and the spot being rendered as beautiful as art and nature could make it, became consequently a great attraction to the citizens of Glasgow. But as far as Glasgow was concerned, this was rather prospective, as the place was somewhat distant from the city. Nevertheless, certain inhabitants of Glasgow began to build houses in the neighbourhood. When the Park was created, the place now called Crosshill was merely green fields, and it has

since come into existence solely through the creation of the Park. After a considerable number of houses had been built, the inhabitants had the place constituted into a police burgh. Several attempts have been made by Glasgow, very naturally, to extend its boundaries so as to include the Park and the small burgh of Crosshill. It was, I say, natural that Glasgow should wish to do this, seeing that the Crosshill people enjoyed all the benefits of the Park, while escaping all the taxation by which the Park was created and kept up. The fact is that Crosshill, in one sense, rests entirely upon Glasgow. It was Glasgow money and Glasgow people who built the houses at Crosshill; the inhabitants of Crosshill spend their days in Glasgow and earn their living there; and their sole reason for going out of Glasgow is simply to escape taxation, because the rates in Glasgow were necessarily high, Glasgow doing on a magnificent scale everything which causes rates to be high, while the rates of Crosshill are low, because she does nothing for herself, but hangs upon the city of Glasgow for everything. Crosshill has no police of her own, she has no fire brigade of her own, she has no hospitals of her own, she has no public buildings, no prisons, no parks of her own, while the streets are remarkable for bad paving and questionable drains. If a riot should break out at Crosshill, the Glasgow police must go there to quell it; if a fire breaks out at Crosshill, the Glasgow fire brigade must be sent there to put it out; if an epidemic fever breaks out, the Glasgow hospitals are had recourse to, and it is well known that within a few months an epidemic fever did break out, which was entirely caused by deficient drains, and on that occasion the Crosshill people did have recourse to the Glasgow hospitals. Crosshill has Glasgow water and Glasgow gas, and her very sewage makes its escape through Glasgow drains. It might be said that Glasgow might cut her off from all these things and thus compel her to come in; but she knows that Glasgow is too magnanimous to do that, and Crosshill prefers to ride rate-free, trusting to the hospitality and charity of Glasgow to protect her. But, Sir, reasonable as it would be to include Crosshill in Glasgow, that is not the question before the House just now. That question was shelved and

decided by the Bill which Glasgow introduced having been rejected. The question we have now to consider is the extension that Crosshill herself proposes—namely, whether Crosshill is to make further encroachments on Glasgow, and to be allowed to take in a piece of ground called No-Man's-Land, which is about three times the area of Crosshill, which contains double her population, which does not belong to the same county as Crosshill, and which lies between her and Glasgow, so that if it were given to her it would cut Glasgow more than ever off from her own Park. When Glasgow brought in her Bill in 1872—for she has brought in several Bills to annex Crosshill—that one was defeated principally on political grounds, there being an idea that two Liberal seats might be lost if the Bill were carried. But on the present occasion, Glasgow having brought in a Bill simply to include her own Park, and Crosshill, and No-Man's-Land, and very little more, as a retaliatory measure Crosshill has brought in a Bill to incorporate No-Man's-Land. This Bill is called a defensive measure, but it is defence on the principle of “carrying the war into Africa,” and it is this measure which the House has to consider to-day. Fully one-third of the ground is the actual property of Glasgow, and of one of the charities managed by the Corporation of Glasgow, the remainder of the ground belonging entirely to proprietors who wish to be united to Glasgow and not to Crosshill. The inhabitants are very much divided in their opinions. It is natural that many of them would wish to be joined to Crosshill because the Crosshill rates are low; but I have had some pressing letters myself from inhabitants of No-Man's-Land desiring very strongly to be annexed to Glasgow. I am quite satisfied that if the House makes the mistake of annexing it to Crosshill the inhabitants of No-Man's-Land will have every reason to regret it when they find that they are saddled with the expense of this contest and are annexed to Crosshill, which can do nothing for them, except require them to pay higher rates than they would have to pay in Glasgow, which can do everything for them. These are the principal points which I have to touch upon in reference to this Bill. The only other point is the political aspect of the case, because that

political aspect has been made a great deal of during the last few days. The hon. Baronet the Member for Lanarkshire (Sir Edward Colebrooke) and the hon. and gallant Member for Renfrewshire (Colonel Mure) seem to have some little fear as to the security of their seats. Now, I am very willing to admit that the loss of those hon. Members would be a great loss to the House and to the country. I should regret it very much myself from a Party point of view, and a great deal more from a personal point of view, because both of them are very good Friends of mine; but I am anxious to re-assure my hon. Friends that the question has really no political signification at all. Even if the Glasgow Extension Bill had been carried, it would have taken in a little piece of Renfrewshire, but it would not have affected the Parliamentary boundary of Glasgow. It would require a public Act to do that; and I think that under present circumstances, when there are much larger issues pending—such as household suffrage in counties and the redistribution of seats—there is not much fear that either the Government or a private Member would attempt to bring in a Bill to touch the question of Parliamentary boundary at all. The present Bill has no political bearing whatever, and it cannot be regarded as an attempt upon the part of Glasgow to take any part of Renfrewshire. That is a question that may be considered shelved and done for. On the other hand, it is an attempt on the part of Crosshill, a burgh of Renfrewshire, to go out of their own county and take a piece of Lanarkshire. One of the unfortunate effects of passing the Bill would be that all the people of No-Man's-Land when they got into trouble with the police would find themselves lugged off to Paisley, seven miles distant, instead of remaining in their own county as at present. I shall not detain the House longer, but will conclude by merely expressing a hope that the House will not affirm the principle which appears to be affirmed by the decision of the referee—namely, that a large city like Glasgow must not be allowed to extend her municipal boundary, but shall be penned in by all kinds of small petty burghs growing up round her, and that these petty burghs shall not be hampered but should be allowed to extend themselves in any way they please.

*Mr. Anderson*

That is a principle which it would be most damaging and dangerous to adopt in regard to large cities, and it is not one on which we have hitherto acted or have been accustomed to act. In the case of Rochdale quite lately it was allowed to extend its boundary even against the will of some of the inhabitants outside. Indeed, it would be very poor encouragement to cities like Glasgow to purchase estates and create fine parks for the enjoyment and health of their citizens, which they must necessarily do outside their own boundary, if they found that they were to be cut off by some trumpery place like Crosshill from the full enjoyment and possession of their own Park. I now beg to move that the Bill be read a third time on this day three months.

MR. WHITE LAW: I believe it is a somewhat unusual course to move the rejection of a Bill like this on the third reading; but there are good grounds for doing so in this instance. That course has been taken by my hon. Colleague, who has gone minutely into all the arguments against the passing of this Bill, and I rise simply for the purpose of supporting his Motion. My hon. Colleague has called attention to the local position of matters, the smallness of the population of Crosshill, and the comparatively large population to be added to it, the larger area sought to be acquired, the different jurisdictions, and the fact that the district proposed to be taken belongs to another county. My hon. Colleague having gone completely into all the local points, I shall pass over much that I intended to say; it is necessary, however, to remark that the effect of passing this Bill would be to commit the House to the establishment of a precedent carrying out the principle that the overflow of a city population settling on the borders of the city should be constituted into small burghal communities, under the General Police Act rather than be added to the city. Hitherto a very different principle has been followed—for instance, in the case of Glasgow itself there have been added the burghs of Calton, Anderston, Gorbals, and Bridgeton, and as recently as 1872 the city was enlarged by the incorporation of Springburn and two other districts with a population of 12,000. The establishment of a new precedent would, it seems

to me, be a very serious matter, and I believe that the House will be slow to adopt such a proposal after it has fully investigated and carefully considered the merits and demerits of the course it is now asked to commit itself to. In the interests of good local government I think the question should be settled; and I would ask the House if it is desirable that the great and important works of sanitary improvement, which are so strongly advocated in this case, should be left to be carried out by small burghs. I believe it is within the experience of all of us that small burghs do not carry out these great sanitary measures in a proper and efficient manner. There are Members of this House who have given much time to the study of questions of local government, Members who, as responsible Ministers, have had experience on the subject, and whose opinions are entitled to the greatest weight in the House. I would appeal to them for their opinion as to the comparative advantage of cities being extended so as to embrace their over-growing population, or of such population being grouped into small burghs completely encircling, it may be, the parent city. I would invite them to tell us what they think of this Bill, and whether they do not think it should be rejected, thereby enabling the House to avoid the adoption of a precedent which might prove embarrassing in future legislation. I would ask those Members who have taken great interest in the construction of sanitary measures whether they consider small burghs as likely as large ones to organize sanitary arrangements for the benefit of the population? Hon. Members will recollect that during the discussion of the Artizans Dwellings Bill it was often suggested that small places should be included, but that was successfully resisted, and only because of the belief the House had that the Governing Bodies of small places would not be strong enough or independent enough to set in motion the provisions of the Act. For the same reason, it was suggested in the discussion on the same Bill that the Bodies charged with the carrying out of the provisions thereof should be made stronger. The rejection of this Bill would not commit the House to any precedent, but will only leave matters as they have hitherto been. I



trust that the House will not create a bad precedent by sanctioning the principle that will be involved in the passing of this measure—namely, that the overflowing population of a city had better be grouped in small burghs hedging in the city than that additions should be from time to time made to the parent city to embrace such population. I know that opinions do exist in favour of the establishment of small burghs and unfavourable to the extension of large ones; that, however, is not a prevalent opinion, and it is not the opinion of those who are best able to judge of what is for the interest of good government. Past experience of measures for the extension of cities exhibit some confusion of ideas on the subject. Sometimes the Bills have been passed, and sometimes they have been rejected. Considerable uncertainty prevails as to what would be the result of an application to Parliament for the purpose, and the consequence is that considerable expense has been incurred. The Government ought to be pressed to take up the matter of city extension, and to introduce a general measure, laying down principles which ought to be followed in such cases. The rejection of this Bill would not prejudice the prospects of such a measure, and for the reasons I have stated I cordially second the Motion of my hon. Colleague.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Anderson.*)

MR. KNIGHT, as Chairman of the Committee to which this Bill had been referred, wished to say a few words. The Committee sat for five weeks and examined 74 witnesses, and came to a very deliberate opinion. As the hon. Member for Glasgow had referred to it he might mention that the Committee consisted beside himself of three Members, one of whom—the hon. Member for Westmoreland—had had considerable experience—with Sir John Duckworth, the Referee. The Committee was equally divided in opinion. Sir John Duckworth did not give his reasons until the room was cleared in order that the Committee might consider the Report, and then he gave it as his reason that Glasgow had made out no case whatever. The question had been going on ever

since 1868. Glasgow stood on seven square miles of ground, of which one-fifth was not built on. It had 530,000 inhabitants, and the Corporation was very anxious to annex 14 other square miles containing a population of 100,000. By an Act passed in 1862, these districts enjoyed complete self-government in every respect. At present they were small burghs, but they were growing rapidly into large ones. There were six of those burghs around Glasgow. Of course, the great object of those persons who lived round Glasgow was not to be included in the Glasgow rates. They wished that the money raised in their own localities should be spent by themselves for their own purposes. They had that great love of self-government which those of the Saxon race generally possessed. Now, the sanitary condition of Glasgow was the worst of anytown in Scotland, Greenock excepted, and its death-rate had certainly not decreased. On the other hand, the death-rate was very light in the districts round Glasgow, their sanitary arrangements were very good and quite sufficient for the district. Now, if the inhabitants had any wish to join Glasgow they could do so by the general law of Scotland; but what Glasgow was seeking to do was to force them into her enormous municipality against their will. This was a principle which Parliament had repeatedly refused to sanction. It was not a new case which Parliament was called upon to consider. The decision of the present Committee was only confirmation of repeated decisions of Parliament. On the present occasion Glasgow had singled out a small place in the hope that, if successful, a precedent would be formed for dealing with the others. But the small section now attacked was defending itself in a very game way—and how it got the money to do so he could not conceive; but it was supported by the two counties of Lanarkshire and Renfrewshire. The whole of the Commissioners of Supply came forward and in the strongest possible manner objected to the place being taken from the county in which it was. The only reason he could discover for Glasgow wishing to catch hold of these burghs, and that of Crosshill and No-Man's-Land in particular, was that they would immediately levy a tax of £9,000 or £10,000 a-year—just the

*Mr. Whitelaw*

sum the Corporation spent yearly in Parliamentary contests. He wished to mention that in 1870 the House of Commons rejected, on the second reading, a Bill to annex the same district. In 1871 the Crosshill burgh was formed. The Corporation of Glasgow opposed the formation of the burgh, and they appealed to the Home Secretary, now Lord Aberdare. The Home Secretary rejected the appeal. In 1872 a Bill was brought in by the Corporation of Glasgow to annex a portion of the district, including Crosshill; but to avoid its being thrown out they withdrew a considerable part of it, and the Select Committee rejected all the Bill in the case of those inhabitants who objected to join Glasgow. In 1874 the Corporation promoted a Bill which, after very careful consideration, was thrown out. That Bill and the last Bill did not take in the whole sweep of 14 square miles—they wished now to get the principle sanctioned that one portion of it could be forced to join Glasgow against its will. He hoped however, the House would not allow Glasgow to make a precedent of the case, the only case he remembered of a Bill being thrown out in this way on the third reading was the Birmingham Drainage Bill; but this would establish a precedent most dangerous in relation to other places and other populations. One of the arguments used was that Crosshill was in two counties. Both Crosshill and Glasgow were alike as to that matter. Crosshill was in Renfrewshire, and the land it wished to annex was in Lanarkshire. Glasgow was in Lanarkshire, and it wanted to annex a piece of land in Renfrewshire. Crosshill was on one side of a hill and No-Man's-Land was on the other. No-Man's-Land was not part of Glasgow, and the county line ran not through a lot of streets, but through houses. No-Man's-Land was separated from Glasgow by a mile and a-half of railway stations and buildings, and never could become a part of Glasgow, for the great block of buildings and railway stations would always lie between it and the city. He again hoped that the House would pass the Bill.

Mr. RALLI: Having had the honour of being a Member of the Committee which considered this Bill, I wish to explain the reasons which induced me to vote against it in Committee, and which

will compel me to support the Amendment of the hon. Member for Glasgow. We have heard a great deal of the desire of Glasgow to annex certain outlying districts, but very little has been said about the Bill before us, which has for its object the annexation not to Glasgow but to the small burgh of Crosshill, a district in Renfrewshire covering 80 acres, and containing 3,500 inhabitants, of another district of 216 acres in Lanarkshire, containing 6,000 inhabitants, which lies between Crosshill and Glasgow. Looking at the matter as it stands, it seems to me that if this district is to be annexed to either Glasgow or Crosshill, it should naturally gravitate to the larger area, and not to the smaller one. But there is this objection, that the inhabitants wish for annexation, not to Glasgow but to Crosshill. There are four reasons given for this. The first, which is that mentioned by the hon. Member for Worcestershire (Mr. Knight), though it was not brought forward in evidence by the people of the district themselves, is, that the death-rate in Glasgow is so high that it would be very cruel to throw any new district within that death-rate. But with all deference to the decrees of the House of Commons, I am certain that the drawing of an imaginary line will not prevent epidemic disease from spreading beyond it; in fact, I believe the contrary result will follow, because while you may—and if you pass this Bill you certainly will—stop the sanitary staff of Glasgow from going beyond their own boundary, you cannot stop the steps of a fever, and thus you will leave this district exposed to the dangers inseparable from the vicinity of a great city, without the protection afforded by the sanitary staff of that city. The second reason is, that this district is separated from Glasgow by railway stations and public works; but it surely would not be argued that because Euston and King's Cross and St. Pancras stations cut off a certain portion of London from the rest, that therefore the part cut off should be formed into a separate city. The third reason why this district does not wish for annexation to Glasgow is, that if thrown into Glasgow as an outlying portion of the city, they believe they would not be properly cared for by the municipality, as the Town Council beautifies the centre of the city and neglects the outlying dis-

tricts; not one tittle of evidence however was brought forward to show that the city has neglected its duties in any part of its jurisdiction. The fourth and real reason why these persons, inhabiting No Man's Land, desire annexation to Crosshill and not to Glasgow is, that they say the rates of Crosshill are 10*d.* in the pound, while those of Glasgow are 2*s.* 7½*d.*; that is the real reason for this Bill. When I inquire into the reason of this great difference I find that the burgh of Crosshill is a collection of villas, principally inhabited by well-to-do and order-abiding people. What is the consequence? Why, that the police, although sufficient for Crosshill, consists of three constables. There is not even a lock-up nearer than a mile and a-half, at Pollokshaws. The sanitary arrangements are so bad, that when lately there was an epidemic of typhoid fever, there being no hospital in Crosshill, the patients had to be sent to Glasgow. The fire appliances are good enough, I suppose, if the people are satisfied with them; but they are not sufficient to put out a great fire, and we heard great complaints of the danger which the people are exposed to from the insufficient precautions against fire. If this Bill is passed what will happen? A district which fairly belongs to Glasgow—for this is no attempt on the part of Glasgow to invade Crosshill, it is an attempt on the part of Crosshill to invade Glasgow—will be added to this collection of villas, a district wanting more police, certainly a lock-up, hospitals, and everything else which is required for an urban population like this in No Man's Land, and in a few years the rates of the newly created or increased burgh will be equal to, if not heavier, than those of Glasgow. Even supposing they did remain less, which I cannot believe, then I say that this Bill is simply an attempt on the part of a portion of the inhabitants of Glasgow to shake off the the burdens which they ought in justice to the rest of the city to share. I remember that within the last few years this House has passed measures of the greatest justice, which have forced the richer portions of cities to bear their fair proportion of the burdens of the poorer, and I hope the House will not say that the richer inhabitants of Glasgow are to be allowed to share the benefits of the city, and then to shake off its burdens. We

*Mr. Ralli*

have been told that it is an almost unprecedented thing to move the rejection of a Bill which has been passed by a Committee, but it is also an unprecedented thing for a small burgh to try and extend itself into another county at the expense of a great neighbouring city. If the Corporation of Glasgow had neglected their duties, or mismanaged their finances, I would say in a moment—"Set up another authority;" but what does the evidence prove? Why, that in the management of their municipal affairs they have done great things, and they mean to do more, if they are allowed to be free. Their police arrangements are quite satisfactory. They have founded parks and picture galleries for the benefit and instruction of the people, and they have done even more to earn the gratitude of the community, for they have cleared away the rookeries which formerly disgraced the centre of the town, and have built better and more healthy buildings for the working classes. If this Bill is carried, it will be a precedent for surrounding a great city with a *cordon* of petty burghs, which will conflict and compete with it in every possible manner, thwart its attempts at reform, and stifle its development in every direction. You will have a repetition in Glasgow of what exists in London—namely, the centre of the city will be governed by one authority, and the outlying portions by other and often conflicting bodies. These are the reasons which induce me to vote against the passing of the Bill in Committee. First, because it is a selfish attempt of a portion of the city to escape from the burdens which they ought to bear; and, secondly, because I think the Corporation of Glasgow by their conduct in past times have justified the appeal they now make to this House not to be saddled by conflicting and competing authorities at their very gates.

MR. W. LOWTHER said, that when the time came that Crosshill wanted more police, a hospital, and so forth, Crosshill would be perfectly ready to pay for them: but the district would rather not be included in Glasgow, where the rates were very high, and where the new ratepayers would have little or no voice in the way in which the money was disposed of. The hon. Member had said that they would be establishing a dangerous precedent if

they decided that Crosshill was not to be absorbed by Glasgow. It seemed to him (Mr. Lowther) that it would be still more dangerous to allow a great town like Glasgow to absorb all the outlying districts—that merely because it was a large and powerful Corporation it should be allowed to take whatever it pleased. The hon. Member for Glasgow said that the county of Renfrew took no part with regard to the Glasgow Bill. [Mr. ANDERSON: I did not say so.] He so understood. However, the fact was that part of the county of Renfrew was very willing and anxious to be annexed to Crosshill, but particularly objected to be annexed to Glasgow. Of course when a Private Bill was referred to a Committee, the decision must please one party and displease the other; but would the House allow the decision of the Committee to be set on one side—a Committee which sat from the 8th of May to the 8th of June, which never stopped or interfered with any witness, or checked any of the witnesses on both sides—in order to gratify this great and powerful town. The Members of the Committee did not consult each other, and only within the last day or two he knew the decision to which they were likely to come—that the majority had decided that Glasgow had not proved its case. He hoped the House would come to a unanimous decision not to override the decision of the Committee.

SIR EDWARD COLEBROOKE said, he should decline to enter into the general question as to the merit of the Bill—that question had been fairly fought in the Committee, and other Gentlemen had given the House reason for the decision they had come to. What he wished to point out was this—that all the principal arguments they had heard in this debate ought to have been raised on the second reading. Why were they not raised then? It had been said that the decision of the Committee was not unanimous; but the inquiry was of the nature of an arbitration, and was there ever an arbitration in which provision was not made for difference of opinion? In this case the casting vote of the Referee had been referred to. He had sat in Parliament for years with Sir John Duckworth, and he knew no man whose opinion was entitled to more weight. He could safely trust the case there. But there was another tribunal

to which to appeal. He had heard some Gentlemen propose to enter into the question whether small areas for boroughs were good from a sanitary point of view. Let those gentlemen take their evidence before the House of Lords, instead of adopting the unusual course of attempting to throw out a Bill by a canvass in the Lobby. Upon every principle of fairness, the City of Glasgow was bound by the decision of the tribunal to which it had appealed. As to the question of the expediency of establishing these small boroughs, he would remind the House that Glasgow had already brought in two Bills, the former of which was defeated, and the other, which included a large proportion of the areas named in the present Bill was also rejected, the House deciding that the question was one which ought to be raised in a general Act, and not by a private Bill. With regard to the history of the burgh of Crosshill it was very short. If it had been all in one county, the House would have heard nothing about it, but in consequence of the county boundary running straight through it, and inconvenience resulting in respect to the Sheriff Court, Crosshill appealed to the Lord Advocate of the day, and a Bill was introduced to remedy the inconvenience. That was opposed by Glasgow, and thrown out; but subsequently Crosshill brought in its Bill, and Glasgow its Bill, and the two were referred to the same Committee, and by the decision of that Committee they ought to abide. He thought it was monstrous, after what had taken place, that the city should now come forward and challenge the decision of the Committee to which the decision of the question had been referred. He appealed to hon. Gentlemen who had ever taken part in our Private Bill legislation to take a stand in support of the tribunal of Select Committees, and he appealed to the House whether it was not impugning that tribunal by calling in question the Bill itself.

COLONEL MURE would ask the House one question—was the general body of the House better informed about No Man's Land, Crosshill, and Glasgow than they were when they came into the House? Looking at the number of days the subject occupied the Committee, would not the House agree with him that it would be absolutely absurd to

enter into a detailed discussion? That being so, would it not be monstrous and absurd for the House to upset the decision of the Committee on the *ex parte* statement of the hon. Member for Glasgow? The real knowledge on this question rested with the Committee, and with the Referee. They had conducted a judicial inquiry, and had come to a judicial conclusion; was it right that that decision should be set aside, in the House by a number of Members who had been pressed into the service by a system of lobbying?

MR. MARLING, who had been a Member of the Committee, said, the question was one of no slight importance — namely, whether our great cities should be governed from one central authority, or hemmed in by small municipalities interfering with their free and deliberate action. A Royal Commission was issued in 1835 on the subject of these burghs; and their Report strongly recommended a simplification of the system, so as to avoid conflict of jurisdiction, multiplication of office-bearers, and petty local jealousies. The effect of the evidence before the Committee upon his mind was that Glasgow was in much the better position to govern the disputed district of No-Man's-Land than Crosshill could possibly be. Crosshill was being rapidly built over, and would shortly become a most important part of the City of Glasgow, and although the rates of Crosshill were now somewhat lower, yet if the land was annexed to Crosshill and the burgh well-governed, the rates would soon be as high as they were in Glasgow. Many of the evils from which Glasgow had suffered had arisen from the fact that up to 1846 it consisted of a community of small burghs. The Act of 1846 brought them all into one body, and Glasgow had since greatly improved. The suburbs in question belonged to Glasgow. At the time when the present boundaries of the city were formed, the population was only 200,000 — now the number was 600,000. Was it reasonable to suppose that the boundaries which would suit 200,000 would suit 600,000? On those grounds he voted for the Glasgow Bill and against the Crosshill Bill in the Committee, and he trusted that the House, as umpire of all such Committees would confirm the principle he had referred to.

*Colonel Mure*

MR. RAIKES said, considering the importance that was claimed for the reasons urged against the Bill, it was to be regretted that the hon. Member for Glasgow (Mr. Anderson) did not bring them before the House earlier. If the question had been discussed on the second reading, the House could then have decided between the Glasgow and Crosshill Bills, and would have been spared a discussion which seemed to him a little out of date. He regretted that the hon. Member for Glasgow, in his natural anxiety to press his case on the House, should have sought to impugn the authority of the Committee by using expressions which might seem to be disrespectful to a most accomplished Gentleman, who was greatly respected by all parties and whose services to that House in his capacity of Referee could not possibly be overrated.

MR. ANDERSON: I entirely disclaimed, at the time I spoke, any slight whatever on Sir John Duckworth.

MR. RAIKES said, the hon. Member's remark might be thought disrespectful by others. With all respect to the Members of the Committee, the opinion of Sir John Duckworth would weigh very much more with him (Mr. Raikes) than that of any other person who had considered the question. They had been told that the Bill raised the question of municipal government in its larger sense, and that it was a conflict between a large burgh being allowed to extend itself and small burghs being allowed to be formed and to extend themselves. That question was decided by the Act of 1872, which provided for the formation of small burghs, and which also contemplated the fact that these places might exist in two conterminous counties. Where the place was situated in one county, the Sheriff had power to fix the boundaries, and this had been done in the case of Crosshill. Now Crosshill applied to have its boundaries so extended as to include a part of land which might have been included in the first instance. He thought the question to-day had been argued too much on the point whether Crosshill should be allowed to exist or not. Even if they threw out this Bill, Crosshill would continue to have a separate existence, and so would many other burghs on the outskirts of Glasgow. If Glasgow objected to the existence of these burghs, he submitted it should



raise the question on some broad general principle, and not on a part of the question only. It was to be remembered that Glasgow in 1870 came to the House of Commons with an extension Bill, which was rejected on the second reading; and again in 1872 they came with a plan for the absorption of several of these small burghs, but all were struck out except Springburn, which was willing to be incorporated. It was also to be remembered that the Committee threw out the Glasgow Bill this year, as Committees had done twice before, and it would have been most inconsistent and illogical of them, after doing that, not to have passed the Crosshill Bill, and if they had refrained from passing it, it would have been open to the House to remit it back to them for their reconsideration. He hoped the House would discriminate between the two questions, and not allow themselves to be led away from the real issue by the turn the debate had taken. He would consider it his duty to vote for the third reading.

MR. HORSMAN said, the question before the House was simple and intelligible to all minds—it was whether they should support the decision of this Committee, or should reverse it. He knew nothing, and like most other Members, he cared nothing, as to the merits of the case as between Crosshill and Glasgow; but there used to be a system of canvassing and lobbying carried on with respect to Private Bills. The House was determined if possible to stop it, and with that view they diminished the numbers of their Committees, and increased their responsibilities, and they also appointed a Referee in order that the Committees might have the guidance and assistance of a nominal Chairman who was well versed in Parliamentary business, and who would be a sort of guarantee to the House that the decisions of these Committees had been impartial and not contrary to Parliamentary precedent. Now this Committee had sat for five weeks and had examined a great many witnesses; a large expenditure had been incurred, and the Committee had come to a decision in regard to the question on which the House at large had no opinion and no knowledge. Should they set aside that Committee and allow a judicial decision to be overturned and thwarted by private solicitation? He regretted that the whole Morning Sitting was being

taken up with the re-hearing and re-judging of a question which had already been heard and decided by a tribunal capable of dealing with it, and he hoped the House would now decide the simple question whether or not they had confidence in their Committee.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 202; Noes 94: Majority 108.

Main Question put, and *agreed to*.

Bill read the third time, and *passed*.

#### POST OFFICE TELEGRAPHS—THE ISLE OF MAN.—QUESTION.

MR. RATHBONE asked the Postmaster General, What steps have been taken to repair the telegraphic cable between the Isle of Man and this country, and when it may be expected to be in working order; and, when the Return, ordered on the 11th day of March last, of the gross receipts and particulars of expenditure of the Post Office of the Isle of Man for the year 1874 will be laid upon the Table of the House?

LORD JOHN MANNERS in reply, said, that it was hoped the repair of the telegraphic cable between the Isle of Man and the mainland would be completed early next week, and that the Return of the receipts and expenditure of the Post Office of the Isle of Man for the year 1874 would shortly be laid on the Table.

#### ORDNANCE SURVEY—DENBIGHSHIRE. QUESTION.

MR. OSBORNE MORGAN asked the First Commissioner of Works, If he would state to the House why the survey, on the large scale, of the parish of Llangerniew, and other parishes in the county of Denbigh, which was long since completed, has not yet been published; and whether he can state when such survey will be published?

LORD HENRY LENNOX: Sir, the progress of the Survey of the United Kingdom must be carried on as a whole, and not with regard to the interests of any particular district; but I am happy to say that the survey of the county of Denbigh, in which the hon. Member is interested, is advancing well towards completion. It is an error to say that

of the parish of Langernew has been long since completed. It was not surveyed till last year, and the field work was not completed till late in the autumn, but it will now go on as rapidly as possible. The plans will be published as soon as practicable after they have been received from the local officer and examined.

**METROPOLIS—NEW COURTS OF JUSTICE—COURT OF APPEAL.**

**QUESTION.**

**MR. HOPWOOD** asked the First Commissioner of Works, Whether it be the fact that no room has been reserved or can be afforded for the Court of Appeal in the Courts of Justice now in course of erection; if so, whether the omission from the design was accidental; whether there has been any proposal by private persons to erect a Court of Appeal and to let or lend it to the Nation; and, if so, whether the Government have come to any decision on that proposal.

**LORD HENRY LENNIX:** The Courts of Justice now in course of erection do contain a Court for the Lord Chancellor and one for the Lords Justices; but there is no special provision for a Court of Appeal; for the simple reason that the designs for that building were approved and the contract signed before the passing of the Judicature Act of 1873. With regard to the second part of the Question, I have been informed that the Society of Lincoln's Inn were willing to construct a Court of Appeal and lease or lend it to the Government; but as that proposal has never been made to me in an official way Her Majesty's Government have not been called upon to form a decision upon it.

**THE SUNDAY ACT—THE BRIGHTON AQUARIUM CASE.**

**QUESTION.**

**MR. JOSEPH COWEN** asked the Secretary of State for the Home Department, Whether, in reference to the intimation he made yesterday that the penalties imposed under the Act 21 Geo. 3, should not be "unduly pressed," he has any objection to state the Statute under which he thinks the Crown can remit these penalties; and if, upon further inquiry, he should find that such a

power does not exist, whether he will bring in a Bill this Session to indemnify all companies and persons against whom actions have been brought?

**MR. ASSHETON CROSS**, in reply, said he stated on the 31st of May that, considering all the circumstances of the case, Her Majesty's Government did not think the Brighton Aquarium case was one in which the penalties imposed under the Act 21 Geo. III. should be "unduly pressed," and he stated the same thing the other day. An Act of Parliament had been placed before him, 22 *Vict.*, c. 32, which enabled the Crown to remit penalties. In order to remove any doubts whatever as to the construction of that statute it might be necessary to introduce a Bill this Session to give that Act a wider application, not only in the Brighton Aquarium case, but in all cases of a similar kind.

**ELEMENTARY EDUCATION ACT—THE NATIONAL SCHOOLS, MIDDLETON.**

**QUESTION.**

**MR. PEASE** asked the Vice President of the Council, Whether a scheme has been submitted to the Educational Department for the transfer of the National Schools at Middleton, West Hartlepool, to the Stranton School Board, under the twenty-third section of the Education Act of 1870; whether in the said scheme provision is made that the schools shall be let on lease for twenty-one years on consideration of 2s. 6d. per annum; that the trustees shall have the exclusive and unrestricted use of the schools, fittings, and furniture, both in the boys and girls department from 5 o'clock p.m. on any day until 8 o'clock a.m. on all days, and the other parts of Sundays, Saturdays, Christmas Days, Good Fridays, Ascension Days, and of parts of the year when the scholars have holiday, and of one other day in each year, of which day the Vicar shall give one week's notice to the clerk of the Board; whether also the following clauses are a portion of the said scheme:—

"The master, trustees, and pupil teachers to be employed in the demised premises shall sign a declaration before appointment that they are respectively members of the Church of England as by Law established, and no person shall be so appointed by the Board unless he or she shall subscribe to such declaration, and such declaration shall be produced by the Board to the Vicar

*Lord Henry Lennox*

of the Ecclesiastical District in which the Board is situated, when required by him."

"The Bible (authorized version) shall be read and intelligently explained to the scholars by the master and mistress for half an hour on each morning during which the school is open, during the term, but without secular bias or the use of any catechism or formulary, and the vicar for the time being of the said ecclesiastical district may once or oftener in each week be present at such examination and instruction, but he shall not interfere therein."

"Hymns from the collection at present in use in the school shall always during the term be sung every morning and afternoon, and such vicar may be present as aforesaid during such singing of hymns;"

and, whether these portions of the scheme are satisfactory to the Department, and considered by them to be in accordance with the Education Act of 1870?

VISCOUNT SANDON: Sir, the scheme alluded to by the hon. Gentleman for the transfer of Middleton School to the Stranton School Board has reached the Education Department, and I find an answer was sent last week to the application. The reply, being such as is always sent with our approval in such cases, followed as a matter of course, and was, therefore, not submitted to me. All arrangements as to transfers are governed by the printed instructions relating thereto issued by the Department, which are generally sent for by a school board before entering into a transfer. In this case we were not asked for our instructions, and hence, doubtless, the misunderstanding of the powers of a school board has arisen. The rule as to the reservation to themselves by managers and trustees of the use of a transferred school for certain times is as follows:—

"The arrangement may provide for the trustees or managers reserving to themselves the use of the school premises during Sunday and during other times, provided a sufficient use is transferred to the board to enable the board to carry on upon the premises a public elementary school."

The scheme proposed to us by the Stranton School Board complies with the provisions of this rule, and, so far, is approved by the Department. We have, however, a further rule respecting transfers, with which, to prevent further mistakes, I believe I had better trouble the House—

"The arrangement for transfer must not prescribe the kind of instruction (whether religious or secular) to be given in the school. It must not contain anything as to the examination or

inspection of the school, the appointment of managers or teachers, the admission of children, or the general management of the school. The school, so far as transferred to the board, must be managed in every respect as the board for the time being see fit, subject only to Sections 7 and 14 of the Elementary Education Act, 1870."

These two rules have always been acted upon since the passing of the Act, and represent, I believe faithfully, its intention. Under this latter rule we have objected, as a matter of course, to all the three clauses to which, in the second part of his Question, the hon. Gentleman has called my attention. I feel sure that the Stranton School Board could have no intention to contravene the provisions of the Act; but, in reply to the hon. Gentleman, I feel bound to say that we consider these portions of the scheme of transfer contrary to the law, and, therefore, I need hardly add they are not satisfactory to the Department.

#### LUNATICS (IRELAND).—QUESTION.

MR. MOORE asked Mr. Solicitor General for Ireland, Whether, in the case of a dangerous lunatic committed to a lunatic asylum by the warrant of two magistrates, and whose parents and relatives are in good circumstances, there are any means of compelling them to contribute towards the support of the lunatic while in the asylum; and, if not, whether he would consent to introduce a Clause, which would meet this case, into the Bill before the House?

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET): There is no power under the existing laws in Ireland, when a dangerous lunatic has been committed to a lunatic asylum by the warrant of two magistrates, to compel his parents or relatives, should they be in good circumstances, to contribute to his support while he is under detention. Such an Amendment as that pointed at by the Question of my hon. Friend is now under the consideration of the Government, and we hope to be able, to some extent at least, to give effect to his suggestion.

#### LAW AND JUSTICE—CIRCUITS OF THE JUDGES.—QUESTION.

MR. WADDY asked Mr. Attorney General, Whether, considering the evils arising from the present uncertainty as to the ultimate and permanent arrangement of the circuits, there is any and if

so what reason why any proposed alteration should not be at once effected or definitely abandoned?

THE ATTORNEY GENERAL: I quite accede to the suggestion of the hon. and learned Member that it is desirable to put an end to the uncertainty which at present exists as to the ultimate and permanent arrangement of the Circuits; but it is necessary that the Bill for the Amendment of the Judicature Act, 1873, or some equivalent Bill, should pass into a law before that desirable object can be satisfactorily obtained.

#### ARMY—ATTENDANCE OF MILITIAMEN AT MASS.—QUESTION.

MR. PARNELL, who had the following Question on the Paper:—To ask the Secretary of State for War, If he has any objection to say whether the letter from the Reverend Hugh Behan to Sir John Dillon to which he referred, in answer to a previous Question, as containing a demand that Sir John Dillon would send the Meath Militia regiment to Mass on the 6th and 27th of May, is in existence; and, if not, when and under what circumstances it ceased to exist; whether there was not a subsequent letter from the Reverend Hugh Behan to Sir John Dillon, containing a request that he would allow the men to attend Mass on the 27th of May, and whether he has any objection to lay copies of this letter, and of the reply to it, upon the Table of the House; and, whether it is a fact that the Tipperary and Westmeath Regiments of Militia are allowed by their commanding officers to attend Mass on holidays; and whether he will direct that some facilities should be given in future by the commanding officer of the Meath Militia to enable his men to do the same; expressed a wish to postpone it to a future day, when he proposed to put another Question on the subject to the right hon. Gentleman the Secretary of State for War.

MR. GATHORNE HARDY said, that as the first Question which the hon. Member had on the Paper involved an imputation upon him he would rather reply to it at once. The Question represented him as having on a former occasion quoted a letter from the Rev. Hugh Behan which in some way was supposed to have ceased to exist. This

seemed to involve an imputation upon him (Mr. G. Hardy) of having dealt unfairly with that letter. The truth was he held that letter in his hand at that moment. He distinctly stated on the former occasion that it contained not a demand but a request from the clergyman that Sir John Dillon would allow the men to attend Mass. With respect to the other Question, he might remark that he had another letter from Mr. Behan, which was not to the effect stated by the hon. Member, but contained a request, which was complied with, that the men might be allowed to attend Mass at a different hour than usual on three separate days. Great and needless labour would be imposed on the War Office if that Department were to ascertain when Militia officers allowed or did not allow their men to attend particular religious services.

MR. PARNELL wished to know whether the right hon. Gentleman declined to take any further steps in the matter?

MR. GATHORNE HARDY replied, that every Commanding Officer of Militia had full power to allow the men under his command to attend the religious services of the denomination to which they belonged. The facilities given were amply sufficient for the purpose, and it was not his intention to give further facilities. Any abuse of that power would be dealt with at the War Office; but if there were no abuse he certainly should not interfere in the matter.

MR. PARNELL distinctly disclaimed the idea that he wished to make any imputation on the right hon. Gentleman. At the same time, he must say that the right hon. Gentleman appeared by his answer to be—

MR. SPEAKER interposed and said the hon. Member could only make a personal explanation respecting himself.

#### LAND TITLES AND TRANSFER BILL

[*Lords.*] [BILL 105.]

(*Mr. Attorney General.*)

#### COMMITTEE. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [4th June], "That Mr. Speaker do now leave the Chair" (for Committee on the Land Titles and Transfer Bill); and which Amendment was,

*Mr. Waddy*

To leave out from the word "That" to the end of the Question, in order to add the words "this House, while fully alive to the expediency of making the title to land more uniform and its transfer more simple, cheap, and expeditious, is of opinion that this Bill will not effectually carry out those objects," — (*Mr. Osborne Morgan*),

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. GOLDNEY said, that no one disputed the desirableness of substituting for our present system of transferring titles to land a simpler, cheaper, and more expeditious system, and in his opinion the present measure offered as simple and effectual a mode as was consistent with our existing law. During the last 50 years Lord Eldon, Lord Campbell, Lord Westbury, and other eminent lawyers, had endeavoured to provide remedies for the defects in the law on this subject, and it was remarkable that one and all of them pointed to a General Registry as the sole solution of the difficulty. The Report of the Commission of 1857 had for its substantive recommendation that a general registry of titles to land should be established, and that owners of land should be allowed to register their titles either as indefeasible titles or as ordinary titles, subject to adverse claims. In 1859 the present Lord Chancellor, then Solicitor General, brought into the House of Commons a Bill founded on that Report. That Bill passed a second reading; but it proceeded no further in consequence of a dissolution of Parliament, which took place shortly afterwards. In the Session of 1862 a Bill was introduced in this House by Lord Westbury. It was based on the principle of a "registry of title to land;" but it was not, in fact, a measure for the registry of land, but provided a complicated machinery for the registry of deeds relating to land. It enabled the owner of land, after examination of title by official inquiry, to obtain and place on record a declaration of title which thereafter became indefeasible, but it made no provision for placing on the register a title of the ordinary class—that was to say, a title good in itself, but open to adverse claims. The Bill of Lord Westbury passed into law, and

a Registry Office with a staff was established in London, for the purpose of carrying it into operation. After a short experience the scheme was found to be a failure. The hon. and learned Member (*Mr. Osborne Morgan*), in criticizing the Bill now before the House on the former occasion, tried to fasten upon it a sort of odium, by saying it was merely a reproduction of Lord Westbury's Act. But what was the state of things prior to the passing of that Act? The Royal Commission of 1856, composed of men of high standing, who commanded the confidence of the legal Profession, reported in favour of the establishment of a General Registry, and the principles laid down in that Report were accepted at the time by the House, and also, he believed, by the legal Profession generally, as providing a means of meeting the difficulties of the case. When the failure of Lord Westbury's Act became apparent, a Commission was issued in 1868 to inquire into the operation of the Act. The Report of the Commission, issued in 1869, stated that, in their opinion, the Act had proved a failure; and, after pointing out the causes of its want of success, they proceeded to recommend the principle on which the Bills of 1859 had been framed. That was what the present Bill proposed to do. It proposed to do all that was approved of in the Bill of 1859, while it avoided the defects and inconveniences that the Commissioners pointed out in the measure of Lord Westbury. It provided that any person coming to the Registry could have his name entered as owner of a property; and after that property had been on the register 20 years he would have a good sound and holding title; and this was done by a simple, easy, quick, and inexpensive process. A system of general registry had been adopted not only in the colony of Victoria but in the United States, which had originally adopted the old English system with regard to the transfer of land. The result of the change in America was that the people did not look on land merely as a permanent investment, but as a commodity which could be purchased and sold with facility, and in which they could invest their money in as ready and convenient a manner as in any other commodity. If this Bill were regarded as a measure which would work well—if it were



allowed fair scope—he felt assured it would be proved to be one of the best modes of solving the difficulty in regard to the transfer of land.

Mr. WHALLEY said, the hon. Member's allusion to America recalled to his own mind a meeting held some years ago of the Law Amendment Society, when the question discussed was, how the Court of Chancery was to be got rid of. Lord Brougham presided on the occasion. The Court of Chancery was then regarded as a sort of wen on our jurisprudence. Mr. Field, a Chief Justice of America, happened to be present, and from what he said it appeared that the Americans did not know how the Court of Chancery had been established—his (Mr. Whalley's) conviction was that the Court of Chancery was designed by the Papacy to destroy our Common Law—yet he said that the Common Law, as imported from England into America, would be sufficient to meet every difficulty if the Chancery system were put an end to. The passing of this measure would, he hoped, have the effect of restoring lawyers to that position of respectability to which they could not lay claim at present.

Mr. MORGAN LLOYD said, that the system of registration provided by Lord Westbury's Act had proved a complete failure, and he thought the best that could be said in favour of the scheme proposed by the present Bill was that it would prove a dead letter. If it worked at all it would work a great deal of mischief. Instead of simplifying titles it would complicate them, and instead of lessening expense it would increase it—especially in small transactions, where people of limited means, the very persons whose benefit ought particularly to be kept in view in a Bill of this kind, were concerned. The Bill proposed to register three kinds of title, an absolute title, a possessory title, and a qualified title. As to the first, when a man had got an absolute title something was gained. But how was that to be obtained? Not without incurring an amount of expense and trouble of which at present no one had an adequate idea. And then it might happen after all that a man obtained a title to something altogether indefinite and uncertain, for whenever a question arose as to the extent or the boundaries of the property his title would be as doubtful as before.

Mr. Goldney

In this respect the scheme was much less perfect than Lord Westbury's, which provided for an indefeasible title to land with definite boundaries. The next title that could be obtained was a possessory title. But the Bill was not compulsory, and so long as that was the case no one in his senses would register a title which threw a slur on his right to the possession of his property. He would give such a man the advice which he heard Baron Martin give a witness who was asked to produce his title—namely, to shut his box and sit on it. Then the Bill proposed to give a qualified title. But that was still worse than a possessory title. How, then, could a measure of this description be of any real benefit in simplifying title and reducing the expense of transferring land from man to man? If Her Majesty's Government meant to satisfy the public and to bring forward a scheme which would be a clear simplification of title they would have to introduce a system analogous to that which had been adopted in the United States, in Australia, and other of our Colonies, but which, owing to the more complicated titles of land in this country, it would be much more difficult to devise, and ten times more difficult to carry into execution. There must be a general survey of the whole country on a large scale, and land titles must be simplified by enacting that the legal owner for the purpose of registration should be the sole owner, and that settlements and other incumbrances should affect the equitable, but not the legal right. The remedy of beneficiaries against the legal owner should be the remedy provided against the trustee of stock or shares, and power should be given to beneficiaries to place a notice on the registry in order to prevent dealings with the property, just as a *distringas* operated in the case of stock. Such was his scheme, but he was not, under existing circumstances prepared to advocate its adoption, for it would involve enormous difficulty and expense; he put it forward as the only real scheme for simplifying the title to land. Unless the Government were prepared to go to this extent they had much better leave registration alone, simplifying landed titles gradually and removing defects in our present system, thereby preparing the way for a more complete system.

MR. GREGORY said, there was one point in which he concurred with the hon. and learned Gentleman (Mr. Morgan Lloyd), and that was that the scheme which he proposed was utterly impracticable, and if they waited until the system adopted in the Australian Colonies could be introduced into this country they would have to wait a long time. The Bill embodied a plan which was far simpler and more feasible. The objections against the successful working of Lord Westbury's Act were, first, that it required the registry of an indefeasible title; secondly, the necessity of giving notices to adjoining owners; and, thirdly, the necessity of placing all subservient interests upon the registry, as well as the primary title to the land. This Bill was free from these objections. Under it a man might register an indefeasible title, a qualified title, or a possessory title dating from the time of registration. It was not so ambitious a Bill as that of last year, and did not make registration compulsory; but he did not agree with those who said that the measure would, for this reason, prove a nullity. On the contrary, he knew that owners were waiting for the passing of the Bill to register under it. They would not be called on to prove an indefeasible title, and there would be no slur cast upon their title by a refusal to register at all, if they could not prove an absolutely valid title. As to notices to adjoining landowners, there was one case in which, under Lord Westbury's Act, it became necessary to serve 130 such notices; and by giving these notices you not only incurred great expense, but aroused the sleeping lion, and invited adverse claims upon such questions as boundaries, fences, or the right of way. As to incumbrances, the registered owner under the Bill had full power to make a title in case of sale. It was true that persons beneficially entitled might protect themselves by putting a caution upon the registry and in other ways. There were some practical Amendments which might be adopted in Committee; but, speaking generally, he thought the Bill likely to prove acceptable to the public and a considerable benefit to vendors and purchasers of land.

MR. JACKSON thought the hon. and learned Member for Denbigh (Mr. Osborne Morgan) had done good service by moving his Amendment, inasmuch as it

had evoked a most interesting and useful discussion. He hoped, however, that the hon. and learned Gentleman would not press his Amendment to a Division. The effect of his hon. and learned Friend's Motion was, that the Bill was not the best possible one that could be desired. That, no doubt, was perfectly true; but the practical question they had to take into consideration was, whether or not the Bill would be an improvement upon the existing law. He (Mr. Jackson), for one, believed that it contained much that was valuable, and that when it had been considered in Committee, and had received some Amendments, of which it was susceptible, it would be a valuable addition to the Statute Book. The Bill contained this most valuable principle, that under its provisions the registered owner could make a title without regarding equitable or beneficial interests. That principle was a *sine quâ non* to any improvement, and great efforts to obtain the sanction of Parliament to that principle should be made. No doubt the first registration with any guarantee of title would involve expense, but no more expense than the present system, while for the future all registered dealings would be simplified and made more economical. For his own part, he should like to see land sold upon the same simple terms as ships were sold. The transfer of land did not differ in essence from the transfer of a ship. A ship did not pass by delivery, but by a statutable transfer, which gave the transferee a right against all the world—a right which was not affected by any equitable interests. He could see no reason to prevent us from dealing with land substantially in the same way. He did not indeed approve of the machinery of the Bill, but the Attorney General was not responsible for that. The first great requirement was some easy machinery for identifying a particular piece of land, and the only way of obtaining that desirable object was by means of cadastral maps. There being no difficulty about identifying a ship, there was no difficulty in transferring her, and if there were a good map with an accessible index to the land of that country there need be no difficulty in transferring land even without professional assistance. But without a map this would be impossible. Maps, too, to be useful must be accessible. It occurred to him

that the clerks of the peace or the clerks of the Unions throughout the country might easily be appointed to take charge of those maps, and the result would be that in a few years an entirely new and simple system of land transfer would come into operation. Three maps would be required—one relating to the ownership of the fee-simple, another relating to the ownership of the mines, and a third relating to the ownership of the leaseholds. But as they would all be drawn on the same scale, no difficulty need arise from there being more than one. The mere transferring land and registering of charges might be done by the country officers in charge of the maps, while the more difficult and responsible work of deciding titles might be referred to the head office in London. The Ordnance Survey presented a basis for such a system; but when he remembered that only £7,000 had been voted this year for that survey, he felt that unless public opinion was roused years must elapse before anything was done. He was glad that the Bill did not contain compulsory clauses. No doubt an uniform system of land transfer was desirable, but they were not in possession of information which would justify the forcing of so extensive a change before they had provided the necessary machinery, or even knew what machinery would be required. The present Bill was an experiment, and for that reason it was not right that it should be forced upon the acceptance of people against their inclination. As for the fears expressed in some quarters that the object of the Bill would be defeated by the solicitors, he believed them to be entirely unwarranted. He hoped they would soon get into Committee, and that whatever Amendments were brought forward would be proposed—not in a spirit of hostility to the measure—but with a desire to improve it, and by so doing to take the first step towards the attainment of what had been done abroad and might be done here, and which, when effected, would be of the utmost importance to all classes of the community.

SIR JOHN KARSLAKE said, he was convinced that when on a future occasion his hon. and learned Friend (Mr. Jackson) proposed to have maps of the country prepared for the purpose which

he had suggested, the Chancellor of the Exchequer would be found in his place, and would have something to say. He quite agreed with his hon. and learned Friend that this Bill was so framed that, without being ambitious in its character, it would, with certain Amendments, tend largely towards the simplification of titles and transfers; and he was sure the hon. Member for Sussex (Mr. Gregory) was correct in ascribing the failure of Lord Westbury's Act to the mode in which it proposed to register titles, and to ascertain the boundaries of land. Questions of boundaries and fences were very difficult to determine; but whatever difficulties might be met with in the preparation of maps, as a general rule, when property had been held for a long time with little doubt as to its real boundaries, such doubt need not prevent the register of the title in the manner proposed by the Bill. This alone would to a considerable extent simplify the transfer of land, and they would at least get rid of litigation between neighbouring landowners before the register of the title could be entered upon. It might be that in process of time far more ambitious schemes than this measure would be carried out; but when it was suggested that this Bill was inefficient, or that while it had some merits it prevented more ambitious measures being brought before Parliament, he thought it enough to consider at the present moment whether some real and absolute benefit would be derived from it. Having spoken on this question last year, his observations now should be very few; but he wished to point out that what the Bill proposed to carry out had been suggested by the Commissioners of 1857, whose Report had been so often quoted. He differed from those who said owners would not find it worth while to put their titles on the register. But it would get rid, to a great extent, of the expense of furnishing an abstract of title, and the long and cumbrous process of the existing system. Under this Bill any person having a perfect title had simply to place it on the register and say to anyone who wished to purchase—"I agree to sell you a portion of this property, and this registered title is a guarantee to you that the portion you buy is a portion which I am entitled to sell." There were great advantages also in registering a qualified title. A

*Mr. Jackson*

man who held under a deed of conveyance of 1860 might know that doubts existed as to an earlier title; but he could register the title of 1860, and that in course of time would become an absolute title. Registration would benefit those who had possessory titles, for, as the Commissioners said, the effect would be similar to that of a dam or filter across a stream—above it the water was full of impurities; below, it became purer and clearer as it flowed on. In the same way the possessory title would in progress of time become a perfect title, simply by registration. These were great advantages, and, of course, if those who were interested refused to avail themselves of them they alone would have the blame. But if it was found expedient that land should be placed upon the register he was sure that the advisers of the landed gentry would promote the process. A good deal had been said in the course of the discussions on this Bill with reference to compulsory registration, and opinions had been freely expressed in its favour and against it. The Bill of last year made registration compulsory under certain circumstances only, and having regard to the resolution which had been arrived at, to exempt properties of a small class from the operation of the register, he held that it was wise to take compulsion out of the Bill. A legal friend of his, a conveyancer, had suggested to him that registration would bear heavily upon smaller properties, and that if registration were made compulsory it should, as regarded properties under a certain value, be done at the expense of the State. That might be a very useful suggestion, but he thought it was one as to which the Chancellor of the Exchequer might intervene; and he thought the framers of the Bill had done well to leave compulsion out. There were, without doubt, matters of detail in the Bill which might well be discussed in Committee. As regarded perfect, qualified, and possessory titles, this Bill provided machinery which, with the aid of time, would have a material effect in simplifying titles and cheapening transfer; and he hoped that those concerned in having the transfer of land simplified would adopt the Bill, and having brought their titles on the register would show by the operation of the register upon those titles that the

subject might be carried further hereafter, so that this, which had been properly called a by no means ambitious Bill, might become the foundation of future measures, which would promote the interests of the community. The objection that the profession would object to bring titles upon the register had already been answered, and he would merely say that if, instead of being paid on an absurd plan of calculating the number of sheepskins they could cover with writing, or the number of words in which they could express one idea, they had been remunerated according to the value of their labour without reference to the quantity of words which they used, we should have had a very different system from that which now existed.

THE ATTORNEY GENERAL said, that he did not rise to express any further opinion on the Bill, but to suggest to the hon. and learned Member who had moved the Amendment that it was desirable either at once to proceed to a division, or else to allow the Bill to be read a second time, so as to give the House an opportunity of discussing in Committee the many suggestions which had been made for its improvement; and he would ask hon. Members generally to exercise some little self-denial, and to abstain from further discussing the details of the Bill, as it would be open to them to do so when they got into Committee. On the part of the Government, he was anxious that the fullest consideration should be given to the suggestions of hon. Members.

MR. OSBORNE MORGAN said, that after the discussion which had occurred, he would, with the permission of the House, withdraw the Amendment which he had moved.

SIR FRANCIS GOLDSMID dissented from the opinion which had been expressed to the effect that the Bill would simplify the existing procedure with regard to the sale and transfer of land. The only thing that the Bill would do would be to leave the whole matter in an utterly indefinite and unsatisfactory state.

SIR GEORGE BOWYER said, he had no desire to stop the progress of the measure at its present stage, but expressed a hope that the clauses would be thoroughly discussed in Committee. There were many questions which did not

appear to have been so thoroughly threshed out as they ought to be. He would not offer any opposition to the Bill, which was not compulsory but optional. It no doubt presented many valuable features, and he thought the Government ought to be thanked for introducing it.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered in Committee*.

Committee report Progress; to sit again upon *Thursday*.

# EDUCATION (SCOTLAND) (SUTHERLAND AND CAITHNESS) BILL.

(*The Marquess of Stafford, Sir John Sinclair, Sir Robert Anstruther, Mr. Whitbread.*)

[BILL 145.] COMMITTEE.

Order for Committee read.

MR. RAMSAY moved—

"That it be an Instruction to the Committee that they have power to extend the provisions of the Act to Scotland generally, so far as to provide for an efficient audit of the accounts of school boards, and to enable school boards either to lease or to accept the transfer of certain existing schools."

His reason for moving this Instruction was briefly this—that in the Scotch Education Act they had not at present any means of checking the accounts of school boards, and they had not in the Act of 1872 the same facilities for leasing or transferring existing denominational schools which were enjoyed under the English Act. Under the Act of 1870 the school boards were entitled to make arrangements under which they might lease or transfer existing schools on terms to be approved of by the Education Department, and his desire was that the same should be extended to Scotland, for the purpose of enabling the school boards to obtain the use of existing schools, and to relieve the rate-payers of the expense of providing other schools.

Motion made, and Question proposed,

"That it be an Instruction to the Committee that they have power to extend the provisions of the Act to Scotland generally, so far as to

provide for an efficient audit of the accounts of school boards, and to enable school boards either to lease or to accept the transfer of certain existing schools."—(*Mr. Ramsay.*)

MR. W. H. SMITH regretted that this Bill had been brought on at a time when neither the Lord Advocate nor the Vice President of the Council (Viscount Sandon) was in his place. He might say, however, that he understood the introduction of this Bill was sanctioned by the Government on the distinct understanding that it should not apply to any other parts of Scotland than Sutherland and Caithness, and that the Scotch Education Act, as a whole, should not be touched. The engagement of the Government to support this Bill was strictly limited to its provisions as they now stood, and if the Instruction of the hon. Member were carried, it would be the duty of the Government to oppose the further progress of the Bill.

MR. ORR-EWING hoped that the Instruction would be agreed to—because it was a great mistake in the Act of 1872 that there was any exception. He had the misfortune to be connected with a parish where the valuation was very small, and the number of children very large, the valuation being £5,800 and the number of children over 300. They were obliged to build school accommodation for these children, and they were already assessed at 11*d.* in the pound, and he believed this would have to be increased to 1*s.* 1*d.* or 1*s.* 2*d.* Was it fair or just, therefore, that a school parish should be burdened with an assessment like this, when parishes in Sutherland and Caithness, which were far more able to pay, should be let off with 9*d.*? He looked upon it as most unjust, and hoped before long they would have an amendment of the Scotch Education Act, and that all parishes which were paying above a certain rate should be exempted. The idea of exempting the whole counties of Sutherland and Caithness, however, was absurd, when they knew that they were able to pay. He hoped the House would either agree to the Instruction or not allow this Bill to proceed further.

MR. RAMSAY said, after the distinct statement of the Secretary of the Treasury, that in the event of the Motion being carried the Government would oppose the further progress of the Bill,

*Sir George Bowyer*



he would ask the leave of the House to withdraw his Amendment.

Motion, by leave, *withdrawn*.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. VANS AGNEW rose to move that the House go into Committee on the Bill this day three months—when—

It being ten minutes before Seven of the clock, the Debate was adjourned till *To-morrow*.

#### MEDICAL ACTS AMENDMENT (COLLEGE OF SURGEONS) BILL.

(*Sir John Lubbock, Dr. Lush.*)

[BILL 100.] COMMITTEE.

ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [8th June], "That Mr. Speaker do now leave the Chair" (for Committee on the Medical Acts Amendment (College of Surgeons) Bill).

Question again proposed.

Debate *resumed*.

MR. STANSFELD said, he wished to obtain from his noble Friend some statement as to the views of the Government on the right of women to study and practise medicine in this country.

VISCOUNT SANDON replied that the question of the rights of women to practise medicine would not be prejudiced by the Bill of the hon. Member for Maidstone; but, as the Government were desirous that there should be no uncertainty on the point, he had given Notice of an Amendment which would show beyond all doubt that the *status quo* was in no way affected by the present measure, the sole object of which was to enable the College of Surgeons to do what the Act of 1858 was intended to enable them to do. The subject of the medical education of women had only very lately been submitted to the attention of the Government, and they could pronounce no opinion upon it. The Government would, however, consider the matter carefully during the Recess, so as to be able to express an opinion next year as to whether legislation was desirable or not.

Question put, and *agreed to*.

Bill *considered* in Committee, and *reported*; as amended, to be considered upon *Friday*.

And it being now Seven of the clock the House suspended its sitting.

The House resumed its sitting at Nine of the clock.

#### METROPOLITAN POOR ACT—HAMP- STEAD FEVER AND SMALL-POX HOSPITAL.

MOTION FOR A SELECT COMMITTEE.

MR. COOPE rose to call attention to the action of the Metropolitan Asylums Board with reference to the proposed erection of a permanent Hospital for Contagious Diseases near Hampstead Heath; and to move for a Select Committee

"To inquire into and report upon the clauses of the Metropolitan Poor Act (30 Vic. c. 6), giving powers to the managers of asylums to take, hold, and dispose of lands and other property for the purposes of the Act."

The hon. Member said, that the question to which his Motion referred, although apparently of merely local interest, affected the whole body of ratepayers throughout the Metropolis, and also the many thousands who on Sundays and holidays frequented Hampstead Heath. In the year 1867 the Poor Law Amendment Act was passed, by which a very useful body, entitled "the Metropolitan Asylums Board" was created. One of its functions was the erection of asylums for infectious diseases in case of the outbreak of epidemics in the Metropolis. With laudable activity they devised a general scheme for the erection of hospitals in the North, South, and Eastern districts, and proceeded to secure sites, and did, in fact, obtain a site at Stockwell, another at Homerton, and a third at Hampstead. The last named selection was strongly objected to, as being quite unfit for the object in view and because it was situated in a very populous district, and inferior to other sites in the same locality which were unobjectionable—and the scheme was protested against by the magistrates, the vestries, and the great bulk of the residents. In spite of those objections the Asylums Board enclosed the site, made approaches, and erected a house for a medical superintendent. They did nothing further, except that on the out-

break of smallpox temporary sheds were put up, to which many patients suffering from that disease were admitted. The sheds remained as temporary hospitals for 18 months, during which time smallpox appeared in many houses in the neighbourhood—after that time they were occupied by pauper imbeciles. In October last, the Asylums Board revived the idea of building a permanent hospital, and the inhabitants taking alarm an influential deputation—which he had the honour of introducing—waited upon his right hon. Friend the President of the Local Government Board, who paid the utmost attention to the remonstrances which were made, but said that the Asylums Board were only carrying out their duty; that having obtained possession of a site they were bound to make use of that site. The right hon. Gentleman, however, added that if they (the deputation) were able to find a site without the disadvantages alleged against that they already had, and equally eligible, he would advise the Board to accept it. Acting on this hint the inhabitants—although they did not feel called upon to find a site—had five sites offered them, three of which they submitted to the Board, each being, in their opinion, superior to the one in possession of the Board, but one in every respect far superior. The Board, however, refused to adopt any one of them, alleging that the one most recommended and eligible was at a greater distance than was desirable for the parties for whose relief the hospital was intended; next, that the owners of property in the neighbourhood would object; thirdly, the proximity of a reservoir the property of the Grand Junction Water Works; and, fourthly, that the Mill Lane neighbourhood would probably be built over. None of these objections had the slightest validity. With respect to the first, he could only say that it was not a matter of much moment, as the Asylum when erected would only be used when the hospitals at Stockwell and Homerton were full. As to the objections of owners of property, of course owners of property would always object to a hospital being built in their neighbourhood; but he would remind the House that, while 50,000 persons had petitioned against the proposed site at Hampstead, not one Petition had been presented in its favour.

*Mr. Coope*

He did not, however, attach much importance to Petitions when he remembered that the hon. Member for Peterborough (Mr. Whalley) had stated that 300,000 persons had petitioned in favour of the Tichborne Claimant, and numerous Petitions had that day been presented in favour of the Permissive Bill—two objects of about equal usefulness to the public. Then as to the reservoir, Dr. Frankland had stated that gases emanating from the hospital might contaminate the water, the bottom of which was, he said, 23 feet below the level of the hospital. Dr. Frankland had been altogether misinformed. The reservoir was arched over with brickwork and covered to the depth of three feet with earth and turf, and the drain about to be formed would be 30 feet below the reservoir. It was impossible, therefore, that the water could be at all contaminated, and he had the authority of Dr. Letheby for stating that the fear expressed on the subject was altogether groundless. He might dismiss that objection altogether, especially as the Water Company who were most interested in the matter had taken no notice of the proposed erection of the hospital in the neighbourhood of their reservoir. Another reason alleged in favour of the Hampstead Heath site was that Mill Lane would probably be built over. There was a vast difference, however, between bringing a nuisance to an existing neighbourhood and bringing the neighbourhood to the nuisance. In the present case an insufferable nuisance was proposed to be created in a populous neighbourhood. In the other case the site was in the midst of green fields with scarcely any houses near them, and if, when this site had been selected, people chose to come and live in close proximity to the hospital it was their affair, and it was not a case for legislative interference. There were other reasons in favour of the Mill Lane site. It was singularly isolated, having on one side the water reservoir, on another a cemetery, on a third the railway, and on the fourth Mill Lane. The site was, indeed, scarcely suited for any other purpose. The approach was also very superior to the Hampstead Heath site. It was approached in three directions, and a broad road already rendered it of easy access. In the case of the other site, it was approached only by a lane 22 feet in width, with a public-house at

the corner, at which those who brought patients to the hospital would certainly stop, with the probability of spreading the contagion. In purchasing this site, the Asylums Board was under the impression that an approach might be made in a different direction; but the roadway upon which they might have relied was private property, and no sooner did the owner discover the purpose to which the site was to be applied than he put a barrier against the road, and that barrier would be maintained as long as he was threatened by so uncomfortable a neighbour. With respect to population, there was within a radius of half a-mile of the Mill Lane site only one-tenth of the population of Haverstock Hill. The pockets of the ratepayers ought certainly to be specially borne in mind by the Asylums Board. With the outlay already incurred, the proposed site at Hampstead had cost £26,000, while the site which was in other respects so much better might be secured for £11,000. The first site had an area of eight acres, and the other of 11 acres; so that the cost of the Mill Lane site would be less than half, while the area was considerably larger. Under these circumstances, it was difficult to understand why the Asylums Board had so persistently, and, he might say, so obstinately enforced their views against the wishes of the ratepayers of the neighbourhood, who had, on account of the healthiness of the locality, sought the residences to which the Board now insisted on bringing this nuisance. It was sometimes difficult to discriminate between firmness and obstinacy, and to point out where the one ended and the other began. In the present case he could not but feel that so little reason had been adduced by the Asylums Board for the course they had adopted that he was obliged to think that, although they might have at first thought they were right, they had by degrees drifted into perverseness and unreasoning obstinacy. He would not longer detain the House. His object was to obtain a Select Committee, and he trusted that the Government would assent to the Motion, so that a Committee might look into the Act and meet the difficulty. The recurrence of such complaints might thus be prevented, and the ratepayers of the Metropolis might be protected against another arbitrary proceeding of a similar nature on the

part of the Asylums Board. The hon. Member concluded by moving for the appointment of the Committee.

MR. FORSYTH, in seconding the Motion, regretted that it had been necessary, because he had hoped that the strong and almost unanimous feeling of the inhabitants of Hampstead and the opposition manifested everywhere in London, if it could not overcome the obstinacy of the Asylums Board, would have led the President of the Local Government Board to withhold his sanction from a scheme which had encountered such general and reasonable opposition. He supposed that other Members had, like himself, received a circular signed "John Harry Jones," which asserted that all the pressure brought to bear to remove the hospital from the site proposed had been in the interest of a few persons who owned land contiguous to the site and who wished in consequence to get rid of the hospital. There never was a statement more unfounded. The meetings which had been held showed that the opposition to the proposed hospital was enthusiastic, spontaneous, and almost universal. He had personally inspected the proposed site, and it was the simple truth to state that it was in the midst of a populous neighbourhood, in the vicinity of most respectable houses, close to Hampstead Heath, and not far from the "Vale of Health"—which would be so called hereafter in irony. Hon. Members must all recollect the pains which had been taken to preserve the Heath from encroachment by the lord of the manor. A vigilance committee had been formed by the inhabitants, and the ratepayers and others had spent about £40,000 in securing, by an Act of Parliament, the Heath from invasion. The Heath was approached by only one thoroughfare, and all the holiday visitors going to the Heath by the way of Haverstock Hill would pass by the proposed hospital on their way. In the vicinity were many schools and orphanages, and many persons who desired change of air were drawn to the Heath by its reputation for salubrity. All these were reasons for not choosing the Heath as the site of a hospital if a less objectionable situation would be found. It might be denied that there was any danger of infection. The people of Hampstead had had some little experience on this point, because there had

been erected a smallpox hospital on this site during the prevalence of that epidemic, and a Committee appointed to inquire into the truth of the allegation that smallpox had not broken out in the vicinity of the hospital reported that in a block of houses immediately contiguous 88 cases of smallpox had occurred in 57 houses which were inhabited at the time of the epidemic. There was an outbreak of smallpox at Hampstead which was attributed to the location of the smallpox hospital there. If it was true, as alleged, that there was no danger of contagion, let it be proposed to build a hospital in Victoria Street, in proximity to the Houses of Parliament, or Buckingham Palace, or in any crowded thoroughfare, and he was sure the House of Commons would unanimously put its veto upon any such proposal. It might be said—"Hospitals must be somewhere, and why should Hampstead be especially favoured?" But he did not ask that Hampstead should be favoured. What he said was, let that part of Hampstead be chosen to which there was the least objection. The inhabitants were not so unreasonable as to say that no part of Hampstead should be occupied by a hospital; but they offered the Board two other sites, either of which would be less objectionable than that which the Board had chosen. He would speak only of the more eligible of these two alternative sites—that in Mill Lane. Hon. Members had received maps in which were drawn circles, and the circle enclosing this site consisted of green fields and a few cottages, and the only objection to appropriating the land for this purpose was that it had been let to a speculative builder. But it was one thing to erect a hospital in the midst of houses already built, and another to erect it on land only let for building; and if the builder lost by his speculation, why, that would only prove that there was well-founded fear of living too near a hospital. Another alleged objection to this site was the contiguity of a reservoir of the Grand Junction Waterworks Company, the water in which, it was said, might be poisoned by filtration or soakage of the drainage from the hospital; but the sewage of the hospital could be diverted and carried down to a main sewer many feet below the level of the reservoir, so that there could not be the possibility of contamination. The

*Mr. Forsyth*

Hampstead Committee were prepared to save the Asylums Board from any extra expense to be incurred in the adoption of this site, and the fact that they were ready to raise £29,000, which would cover all extra expense, was a very strong proof of their sincerity in this matter. A distinguished member of the Health of Towns Commission (Professor Owen) had given an opinion that ascertained facts bearing on the transmission of the germs of fever, and especially of scarlatina, were such as to attach a very grave responsibility to the Asylums Board in building a hospital on the site they had chosen if a site more isolated could be obtained; and such an opinion deserved consideration. The committee of the inhabitants had sent a deputation to the President of the Local Government Board, and had been very fairly received, and they had done all they could to induce the Asylums Board to alter its decision. At last they came to this House to ask it to grant a Committee of Inquiry, in order that it might be determined whether their fears were well-founded. He hoped the House, without expressing any opinion as to which was the best site, would refer the matter to a Committee.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into and report upon the Clauses of the Metropolitan Poor Act (30 Vic. c. 6), giving powers to the managers of asylums to take, hold, and dispose of lands and other property for the purposes of the Act."—(*Mr. Coope.*)

MR. W. M. TORRENS said, the House was now asked to do what it had refused to do that very morning—namely, to interfere in a local squabble and to discuss a question as to the eligibility of sites. In 1867 the House created a new corporation to deal with the great question of health, and it confided to a Board, to be duly elected, the necessary discretion and powers; and there could hardly be a worse precedent than that the House should now, at the instance of dissatisfied residents in one locality, however influential, appoint a Select Committee to consider details which had been discussed in the papers for the last six months. He would not say a word in deprecation of the agitation of the people of Hampstead against having a pest-house placed in their midst. Although not in his borough, he had

thoroughly surveyed the site to which objection was taken, and he had done all he could to ascertain what was to be said on both sides; but nevertheless he declined to express in the House any judgment at all, on the ground that it was not for the good and dignity of the House that it should be called upon to arbitrate in the matter. If the Asylums Board were charged with having neglected its duty, or with being corrupt, he would not oppose the appointment of a Select Committee to inquire into the working of the Act; but from the speeches of the Mover and Second there could be no doubt that the object of the Motion was to transfer what they themselves described as an unmitigated nuisance from one end of Hampstead to another. In order to extricate the House from the necessity of discussing so small a question as that of Hampstead Heath versus Mill Lane, he had put on the Paper an Amendment to the effect that now, after six years' experience of the working of the Act, the Committee should inquire whether new general hospitals for infectious diseases were desirable or necessary. He referred the Government to the great body of cumulative proof that was within their reach, and left no doubt as to the opinion of medical men with regard to the danger of gathering together in huge hospitals numbers of persons who were suffering from the same disease. This was not a question merely as to the advisability of selecting this or that particular site in the neighbourhood of the metropolis for the erection of a gigantic fever or small-pox hospital, but whether great evil would not result from erecting such buildings at all. In reply to inquiries which he himself had made, he received communications on this subject from a number of medical men of considerable eminence. Doctor Septimus Gibbon, who had been the medical officer for 10 or 12 years to the densely populated union of Holborn, said—

"All large hospitals for fever and small-pox are a mistake in a preventive as well as a curative sense. The mortality in the best-appointed hospitals is three times greater than in home treatment. In 1863 small-pox killed in London 2,012; in 1871 it killed 7,876, owing to the hospital treatment adopted. Patients in typhus, small-pox, or scarlet fever emit the seeds of disease very copiously into the atmosphere, so that any transport of them through the streets is sure to spread the disease. A

small detached infirmary of a few rooms is all that each locality requires."

Doctor Ross, who had been for 15 years the medical officer of the Bloomsbury district, wrote to him—

"Huge fever hospitals in the suburbs are a mistake, inconvenient, costly, and ill-adapted to the cure of the sufferers. In an advanced case removal would be perilous, in an extreme case certain death. Often where isolation would be necessary the patient could not be removed. This, I have no hesitation in saying, is and will be the practical result of such a system. How can the interests of the sick and the healthy be reconciled? By having 'refuges' in every district, so that proper isolation may be insured, and the patients not unduly distressed by removal."

He had further received a communication from Doctor Tidy, the medical officer of the parish of Islington—where the population was at least a quarter of a million—who said—

"If the building of a general small-pox hospital be a necessity, I consider the site at Hampstead as good as could be found anywhere. But are permanent small-pox hospitals necessary or advisable? In my opinion they certainly are not. The aggregation of disease is, under all circumstances, the aggravation of disease. I hold positively that in the time of epidemic, temporary hospitals are infinitely preferable to large buildings. The records of deaths in fever hospitals are sad stories of lives that, I believe, might otherwise have been saved. I am certain that permanent fever hospitals are nuisances."

The aggregation of disease was its aggravation, and that, he (Mr. Torrens) believed, was the opinion entertained in foreign countries. The evil of collecting together large numbers of infected persons had been long seen in Germany and in America, where the plan was now adopted of treating persons suffering from contagious diseases of this character in small numbers, and in temporary buildings which could be utterly destroyed after the sick had been removed. Great stone permanent hospitals were, in his opinion, permanent blunders and led to permanent jobs. He did not know what course Her Majesty's Government intended to adopt on the question, but he respectfully submitted that if the Committee moved for nine to be appointed its powers should be enlarged so as to enable it to inquire into the necessity for erecting hospitals of this character in any part of the metropolis. He begged therefore to move the addition to the Motion of the hon. Member for Middlesex words to the effect he had mentioned.



## Amendment proposed,

To add, at the end of the Question, the words "and the said Committee shall specially report whether any new general hospital for infectious diseases in the metropolis is desirable or necessary."—(*Mr. Torrens.*)

MR. W. GORDON said, he declined to consider this as a question which concerned the inhabitants of Hampstead merely; it was one which vitally affected the deepest interests of the working classes of this great Metropolis. It was solely on that ground that he thought it the duty of the House to put some stop to a scheme which, if carried into effect, would nullify the advantages of one of the most healthful resorts of the people. This House had been for years engaged in efforts to elevate the moral, social, and physical condition of the people, and therefore they ought to pause before planting an enormous pest-house in the midst of one of the most interesting of our suburbs. What was this body which called itself the Board of Management of the Metropolitan Asylums District? He was puzzled to find whence they came. The Act of Parliament under which this Board claimed to derive its authority never contemplated the existence of such a body. The 30th & 31st Vict. provided that the huge metropolitan area should be divided into districts, and that the Board should have the power of establishing one or more asylums, but it never contemplated that there should be one general body dealing with the whole metropolitan area as one district, such as the Board they had now to deal with. He did not want to go into the merits of this site or that site, but he thought his hon. Friend the Member for Middlesex had hit the nail on the head when he proposed that there should be an inquiry into the authority of the Board under the Act, and whether what they had done was or was not a justifiable exercise of their authority. The question was an important one and deserving of consideration, and he trusted Her Majesty's Government would grant the Committee in order that they might arrive at a just conclusion as to what was necessary to carry out the provisions of the Act.

MR. SCLATER-BOOTH said, he need not inform the House that this question of Hampstead Hospital had given him no small amount of trouble during the last six months, occasioned him no small

anxiety, and taken up no small portion of his time. He might state at the outset that neither he nor the Government had taken the slightest pains to interest hon. Members on this question, or to induce them to vote on one side or the other. The Government considered that this was a proposal which they were in no way bound to resist, should it be the pleasure of the House to appoint a Committee; and his hon. Friend who would address the House presently on the part of the Asylums Board (Mr. J. G. Talbot) would state that that body did not shrink from, but rather courted an inquiry. At the same time, it was his bounden duty, as the head of his Department, to lay before the House certain reasons which should induce it to pause before arriving at the conclusion that the appointment of this Committee was either expedient or desirable. And in justice to his own Department and to subordinate departments which exercised functions of importance, he felt bound to lay before the House practical reasons which might lead it to see that in some respects the question was a very small, while in others it was a very large one. In the first place, he held that no sufficient case had been made for the Motion. His hon. Friend (Mr. Coope) asked the House to rip up the most important parts of one of the most important Acts affecting the Metropolis passed in our generation. Among the many services for which the name of his right hon. Friend the Secretary of State for War (Mr. Hardy) would go down to posterity, there was none more important than the Metropolitan Poor Act of 1867. The clauses to which his hon. Friend took exception had produced the most admirable results, both with respect to the ratepayers and the poor, and the House ought to be very careful before it allowed the operation of that Act to go before a Select Committee, with a view to its alteration. Great things had been done under the Act of his right hon. Friend. The hon. Member for Chelsea (Mr. Gordon) had stated that the constitution of this Asylums Board was not contemplated by the Act. All he could say on that point was, that the moment the Act was passed the first thing his right hon. Friend did was to constitute that Board. The object of the Act was that the several classes of sick should be separated, so

as to be more effectively treated than they could be under the old law, and the first thing his right hon. Friend did was to constitute the Metropolis into a district, so that those unfortunate persons might be taken from the hospitals in which they had been before and treated in a more scientific and effective manner. The constitution of the Board was this—45 members from the Guardians of the different Unions of the Metropolis were elected by those Unions to represent them on the Board, and to these were added 15 members nominated by the Local Government Board. The body so constituted, consisting of 60 members, had within a period of six or seven years provided, at the expense of the Common Fund of the Metropolis, separate accommodation and treatment for about 4,000 of the imbecile who were not sufficiently lunatic to be maintained in lunatic asylums, and had also provided fever and smallpox hospitals. The two hospitals of Homerton and Stockwell had been built as permanent establishments for ordinary use. It was felt from the first that those two permanent establishments were not sufficient to meet the necessities of the Metropolis; other pieces of ground were therefore purchased, and among them that at Hampstead. A piece of ground was also purchased at Brompton and another at the East End of the town, and if epidemics unhappily broke out it would be the duty of the Asylums Board to avail themselves of those purchases; but no such necessity had as yet arisen. The members of the Asylums Board had made great personal sacrifices in maintaining and watching the working of these establishments. He said, without fear of contradiction, that the dangers encountered and the anxious responsibilities incurred by the members who had served on the Committees of the Asylums Board any hon. Member might well shrink from, and therefore when he heard them found fault with and reviled as if they were almost enemies of the human race, he could not help remembering, on the other hand, the great sacrifices they had made, the great risks they had run, and the great security they had been the means of giving to the public mind that in the time of an epidemic the most dreadful of infectious diseases would be removed from their own localities and treated in separate establishments. He could not help

thinking that it would be a bad precedent if the House of Commons appointed a Committee to go into those local affairs. The question which had arisen between the Asylums Board and Hampstead was precisely that which might arise between the Board of Guardians of every Union in the kingdom and the inhabitants. Every Sanitary Authority was under an obligation to provide accommodation for the treatment of infectious diseases, and there would be no end to interference with local self-government if the House of Commons was to come in as the arbiter whenever a local difficulty arose. Therefore, he said a serious precedent would be established if this Committee were appointed. He would not go into the debateable matters which had arisen during the last nine months on this subject. On the one side it was said little if any injury had been done to Hampstead by the existence of the hospital; and on the other it was said that it formed a centre of infection for the district. Were he to give any opinion he should say that the hospital had been overcrowded with patients, and it would have been well if the other sites had been availed of; but he could not for a moment doubt that the existence of the hospital had been a great advantage both to the Metropolis at large and to the poor for whose benefit it was intended. He must also state his distinct opinion that the pleasure-seekers on Hampstead Heath were no more prejudiced by the existence of the hospital than the pleasure-seekers in Kensington Gardens or Battersea Park. At the same time, no doubt, a vast amount of prejudice had been excited on the subject, and if it were the pleasure of the House of Commons to appoint a Committee to investigate the subject he could not say he should be inclined to object. But in addition to the reasons he had already stated he would say what he had repeated over and over again—that there was no intention of building a permanent hospital at all on this ground. At an early period in March, 1874, seeing that the wooden sheds were in decay, it was proposed that they should be replaced by buildings of a more substantial character; and that was the only foundation of the delusion which appeared to prevail that a permanent hospital was about to be established. He could only

say there was no such intention on the part of the Asylums Board; and, as no permanent hospital could be built without his sanction, he had repeatedly told those who were interested in the matter that he had no intention of giving his sanction to such a proposal even if it were entertained; but no such intention existed. His hon. Friend (Mr. Coope) who brought forward this subject had referred to the deputations which had waited on him in the autumn of last year. He (Mr. Sclater-Booth) then stated he should be extremely glad if an alternative site could be found, and he did everything in his power to bring those alternative sites before the Asylums Board. But he had no power to oblige them to adopt an alternative site, and he hoped no such power would be recommended by the Committee. The objection to the first and second proposed sites was undoubtedly sound. The third was a very plausible site to suggest. He had visited it himself, and it seemed in every respect most suitable. Many members of the Asylums Board were of the same opinion; but its opponents took a leaf out of the book of the Hampstead Committee. They procured an opinion from Dr. Frankland that the water in a certain reservoir would be likely to convey the germs of fever or other infectious disease to the inhabitants of Grosvenor Square. His hon. and learned Friend who seconded the motion (Mr. Forsyth) stated that he (Mr. Sclater-Booth) had given his sanction to the building of the hospital at Hampstead. That was not so. He repeated that there was no such intention. In all human probability the two permanent hospitals—Homerton and Stockwell—would be sufficient, and there would be no occasion for another permanent hospital. If the House wished to appoint a Select Committee to consider the policy of the Asylums Board, he would offer no objection; but he was strongly opposed to the appointment of a Committee to sit upon the provisions of the Metropolitan Poor Act, which he ventured to say had been worked with great benefit both to the poor and the ratepayers. The Asylums Board deserved every consideration on the part of the House, and he should be sorry to see their conduct impugned.

MR. E. COLLINS said, he had no doubt the right hon. Gentleman the

President of the Local Government Board would adhere to the pledge he had just given that no permanent hospital of this kind should be erected on Hampstead Heath. He (Mr. Collins) had identified himself with hon. Members in the discussion and consideration of the subject for the last six or eight months, but this was the first official intimation he had received that there was no intention of proceeding with the erection of a permanent hospital on Hampstead Heath. He supported the hon. Member for Middlesex simply in the interest of the working classes, who were in the habit of resorting to Hampstead Heath in holiday, and of the numerous institutions located there in which a large number of children were maintained and educated.

MR. J. G. TALBOT wished to remind the House of a saying of the Prime Minister's that the House was "a Senate rather than a Vestry," and protested against so much time having been occupied with a matter of a comparatively local nature. The Metropolitan Asylums Board, of which he was a member, had received from numerous important bodies of their constituents expressions of approval of the site selected. That support had been received from the parishes of Paddington; St. Mathew, Bethnal Green; St. Mary, Islington; St. Leonard's, Shoreditch; Chelsea, and the Guardians of the City of London Union. The House would therefore observe that the Board had not exactly been acting contrary to the general feeling of the Metropolis in this matter. It must, no doubt, be admitted that they had been acting contrary to the wishes of the inhabitants of a certain part of Hampstead. Naturally people objected to have an hospital built close to where they lived; but it was necessary in a matter of this kind to consider the wants of the Metropolis as a whole. The wish of the Asylums Board was to effect the greatest amount of public good with the least inconvenience to the inhabitants of any particular locality, and they had attempted to do so in this instance. As to the assertion that the proposed hospital would interfere with the enjoyment of Hampstead Heath, there was no more foundation for it than there would be for saying that the Fever Hospital in Liverpool Road interfered with the enjoyment of visitors to the Agricultural Hall. A

*Mr. Sclater-Booth*

comparison had been drawn in the course of the discussion between the mortality in hospitals and the mortality in the homes of the poor; but it must be remembered that the reason why the latter was small was that so many patients were removed from their homes to the hospitals, so that the worst cases, in which there was the largest mortality, were in the hospitals and not in the homes. He challenged any one to deny that the Asylums Board had done great good to the Metropolis. Small-pox had almost been stamped out, and the virulent forms of fever had been considerably diminished. If the Board were not hindered by a factious opposition to their proceedings, he was convinced there would be still greater improvement witnessed. It could not be denied that there must be a third hospital somewhere, and the only question was, whether the site at Hampstead was not as suitable as any other which could be obtained. As to the site which had been proposed in Mill Lane, West End, a report of Professor Frankland—perhaps the greatest authority in regard to water supply—was conclusive against it. Professor Frankland found that the erection of the hospital at that place would be attended with considerable risk to the health of the customers of the Grand Junction Water Company. His report said—

“I ascertained by rough measurement that the floor of the reservoir is 23 feet below the surface of the surrounding soil upon which the hospital is, as I was informed, to be built; and although engineers may perhaps have confidence in their appliances for the prevention of soakage from the sewers of the hospital into the reservoir, yet I would deprecate the exposure of a large population to the fatal effects which would result from the failure of such appliances. The risk is increased by the circumstance that it is intended to use the reservoir for the storage of filtered water, because, if contamination of the water occurred, there would be no chance of its removal before the distribution of the polluted beverage to consumers.”

Without expressing any opinion of his own upon this report, he (Mr. Talbot) could not see how a hospital could be erected upon a site to which so much suspicion would attach in the event of any epidemic occurring in those parts of the Metropolis which were supplied from this reservoir. If the House desired the appointment of this Committee he would not oppose it, but he thought

it unnecessary, and he would much prefer if the Motion were not pressed.

Mr. CHADWICK said, that if the proposed hospital was to be erected on the present site, which was within a quarter of a mile of his residence, where he had resided for some years, he should take the earliest opportunity of quitting that district. At the time the temporary building was used as a small-pox hospital hundreds of houses in the neighbourhood became empty, and more persons were attacked with small-pox in that district than in any other part of the Metropolis.

Mr. COOPE said, he was prepared to adopt the suggestion of the President of the Local Government Board, and limit the object of the Committee to the desirableness or otherwise of establishing an hospital at Hampstead.

Question, “That those words be there added,” put, and *negatived*.

Original Motion, by leave, *withdrawn*.

Mr. COOPE proposed that a Select Committee be appointed to inquire into and report upon the action of the Metropolitan Asylums Board in respect of the establishment of a Fever and Small Pox Hospital at Hampstead.

Mr. RATHBONE said, that if the House were to appoint a Select Committee to inquire into every proposed hospital for infectious diseases, if it happened to be objected to by the inhabitants of any neighbourhood, they would have enough to do. He thought the House was about to set a most dangerous precedent, and would oppose the Motion.

Mr. ALDERMAN COTTON hoped the hon. Member for Liverpool would not divide the House on this question. The erection of the proposed hospital affected a large portion of the Metropolis, and the House ought to have some control over a matter of so much importance to the public health.

Mr. RATHBONE did not intend to divide the House, but merely to enter a protest against the principle sought to be established.

Motion *agreed to*.

Select Committee *appointed*, “to inquire into and report upon the action of the Metropolitan Asylums Board in respect of the establishment of a Fever and Small Pox Hospital at Hampstead.”—(Mr. Coope.)

And, on June 28, Committee *nominated* as follows:—Mr. SCLATER-BOOTH, Mr. ARTHUR PEEL, Mr. COOPE, Mr. HAYTER, Mr. PELL, Mr. LOCKE, Mr. PEMBERTON, Mr. RALLI, Mr. GOLDNEY, Mr. COLLINS, and Mr. RITCHIE:—Power to send for persons, papers, and records; Five to be the quorum.

# TRIENNIAL PARLIAMENTS BILL.

## MOTION FOR LEAVE.

Dr. KENEALY rose, according to Notice, to move for leave to introduce a

Bill for Triennial Parliaments. The hon. Member was proceeding to address the House, when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after Eleven o'clock.

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## TO

### HANSARD'S PARLIAMENTARY DEBATES,

### VOLUME CCXXIV.

THIRD VOLUME OF SESSION 1875.

#### EXPLANATION OF THE ABBREVIATIONS.

In Bills, Read 1<sup>o</sup>, 2<sup>o</sup>, 3<sup>o</sup>, or 1<sup>a</sup>, 2<sup>a</sup>, 3<sup>a</sup>, Read the First, Second, or Third Time.—In Speeches, 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—*R. P.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st. Div.*, *2nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a \* is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus \*, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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*Militia Staff Sergeants*, Question, Colonel Naghten; Answer, Mr. Gathorne Hardy May 24, 791

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Moved that an humble Address be presented to Her Majesty for Copies of the examination papers issued for the examination of candidates for first commissions in the Army, and for examination upon promotion since the introduction of competitive examination (*The Lord Strathnairn*) June 3, 1349; after short debate, Motion amended, and agreed to

*Army—Removal of Military Officers*

Amendt. on Committee of Supply June 4, To leave out from "That," and add "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the dismissal or removal from active service of officers of the Army under the rank of Major General, not incapacitated by bodily or mental infirmity, and who have not been allowed the option of being brought before a court martial" (*Mr. Torrens*) v., 1426; Question proposed, "That the words, &c.;" after debate, House counted out

*Army—The War Department—British Troops in India*

Amendt. on Committee of Supply May 20, To leave out from "That," and add "the relations of the War Department with the India Office, as regards British troops serving in India, are unsatisfactory and prejudicial to the public interest" (*Colonel Servis*) v., 643; after short debate, Question, "That the words, &c.," put, and agreed to

*Artizans Dwellings Bill*

(*The Lord Steward*)

l. Read 2<sup>a</sup>, after debate May 11, 449 (No. 82) Committee June 3, 1340

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Moved, That the said Report be now received; objected to; and, after short debate, on Question, resolved in the affirmative; Report received accordingly

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**Bank Holidays Act (1871) Extension and Amendment Bill (*Earl Cadogan*)**

*l.* Read 2<sup>a</sup> *May* 4 (No. 76)  
 Committee<sup>\*</sup>; Report *May* 7  
 Read 3<sup>a</sup> *May* 10  
 Royal Assent *May* 13 [38 *Vict. c.* 13]

**Bankruptcy (Scotland) Law Amendment Bill (*The Earl of Rosebery*)**

*l.* Read 2<sup>a</sup> *May* 7 (No. 62)  
 Committee<sup>\*</sup> *June* 4 (No. 133)  
 Report<sup>\*</sup> *June* 7  
 Read 3<sup>a</sup> *June* 8

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**BARING, Mr. T. C., *Essex, S.***

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 Friendly Societies, Comm. Amendt. 1186, 1199; *cl.* 14, Amendt. 1365, 1367; Amendt. 1368, 1372, 1376; *cl.* 24, Amendt. 1384  
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 Metropolis Gas Companies, 2R. 627  
 Parliament—Public Business, 586  
   Whitsuntide Holidays, 289  
 Public Health, Comm. 874, 884; *cl.* 168, 894  
 Sale of Food and Drugs, Comm. *cl.* 9, 206  
 Supply—Board of Trade, 1769  
   Houses of Parliament, 765  
   Surveys of the United Kingdom, 768

**BASS, Mr. M. T., *Derby Bo.***

Army (Recruits), 689

**BEACH, Right Hon. Sir M. E. HICKS—(Chief Secretary for Ireland), *Gloucestershire, E.***

Coroners (Ireland), 2R. 526  
 Friendly Societies, Comm. 1191  
 India—Burmah—Murder of Colonel Hamilton, 1531  
 Ireland—Miscellaneous Questions  
   Alkali Act, 1863—Inspection of Chemical Works, 475  
   Apothecaries Hall—Licentiate, 1807  
   Fishery Harbours and Stations—Ardglass, 1231  
   Irish Fisheries—Report for 1874, 1809  
   Jury, System of, 475  
   National Monuments, 866  
   National School Teachers, 1353  
   Public Health—Small-Pox, 1713  
   Public Meetings—Castlebar, 1234  
   Salmon Fisheries (Ireland) Act—Definition of Boundaries, 476  
   Stipendiary Magistrates, Belfast, 391  
   Union Rating and Jury Laws, 1355  
 Land Tenure in Ireland, Res. 1730  
 Peace Preservation (Ireland), Comm. *cl.* 5, 27, 28, 30, 36, 42, 180; *add. cl.* 187, 189, 191; Preamble, 194, 196; Consid. 402, 405; *cl.* 3, 414, 415, 416, 418, 421, 422, 424, 428, 430; Amendt. *ib.* 431, 432, 433; 3R. 489  
 Sale of Food and Drugs, Comm. *cl.* 19, Amendt. 208; *cl.* 28, 602  
 Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 137, 140, 1135, 1715  
 Towns Rating (Ireland), 2R. 541, 628, 630

**BEAUCHAMP, Earl (Lord Steward of the Household)**

Artizans Dwellings, 2R. 449; Comm. *cl.* 2, 1341; *cl.* 5, 1343; *cl.* 8, 1344, 1346; *cl.* 12, 1347; *cl.* 19, *ib.*; Report, Amendt. 1620  
 Bishopric of Saint Albans, 2R. 1880  
 Chimney Sweepers, 2R. 446

**BENTINCK, Mr. G. W. P., *Norfolk, W.***

Public Works Loan Acts Amendment, 2R. 834

**BERESFORD, Lord C. W. D., *Waterford Co.***

Navy Promotion and Retirement, Res. 1288

**BERESFORD, Colonel F. M., *Southwark***

Friendly Societies, Comm. *cl.* 14, 1372; *cl.* 16, Amendt. 1381  
 Metropolis Gas Companies, 2R. 619  
 Metropolis—Thames Embankment—National Opera House, 790, 1464, 1466  
 Poor Rates (Metropolis)—St. John's, Hampstead, 1128

**BIGGAR, Mr. J. G., *Cavan Co.***

Friendly Societies, Comm. *cl.* 7, Motion for reporting Progress, 1201  
 Ireland—Stipendiary Magistrates, Belfast, 391  
 Peace Preservation (Ireland), Comm. *cl.* 5, 186; *add. cl.* 187, 189; Preamble, 195; Consid. 406, 412; *cl.* 3, 417

**BIRLEY, Mr. H., Manchester**  
Ways and Means—Financial Statement, 349

**Birmingham (Corporation) Water Bill**

*l. Moved, "That the Bill be now read 2<sup>a</sup>"*  
*June 14, 1774*

*Amendt. to leave out ("now") and insert*  
*("this day three months") (The Lord*  
*Hampton); after short debate, on Question,*  
*That ("now") &c.; resolved in the affirmative;*  
*Bill read 2<sup>a</sup>*

**Bishopric of Saint Albans Bill**

*(Mr. Secretary Cross, Mr. Chancellor of the*  
*Exchequer, Sir Henry Selwin-Ibbetson)*

*c. Moved, "That the Bill be now read 2<sup>a</sup>"*  
*May 11, 189*

*Amendt. to leave out "now," and add "upon*  
*this day six months" (Mr. Richard); after*  
*debate, Question put, "That 'now,' &c.;"*  
*A. 273, N. 61; M. 212; main Question put,*  
*and agreed to; Bill read 2<sup>a</sup> [Bill 95]*

*Committee; Report May 13, 604*

*Considered May 21, 777*

*Read 3<sup>a</sup> May 24*

*l. Read 1<sup>a</sup> (The Lord Steward) May 28 (No. 108)*  
*Read 2<sup>a</sup>, after short debate June 15, 1880*

**Bishops Resignation Act (1869) Perpetuation Bill (Earl Beauchamp)**

*l. Read 2<sup>a</sup> May 4 (No. 74)*  
*Committee<sup>a</sup>; Report May 7*  
*Read 3<sup>a</sup> June 3*  
*Royal Assent June 14 [38 Vict. c. 19]*

**BLACHFORD, Lord**

Church Patronage, Comm. cl. 19, 1229

**BOORD, Mr. T. W., Greenwich**

Army—Courts Martial, 1627

Contempt of Court, 1747

Public Health, Consid. cl. 112, Amendt. 1362

**BOURKE, Hon. R. (Under Secretary of State for Foreign Affairs), Lynn Regis**

Asiatic Railways—Railway Communication in the East, 795

Central Asia—Russia and the Oxus, 1358

Foreign Office—Queen's Messenger, Alleged Robbery of, 793

France—Coolie Emigration to the French Colonies, 1809

Germany and France, 471

Italy—Tariff Treaties, 18

Peru—Guano, 1355

Russia and Japan—Island of Saghalien, 787

South Africa—Delagoa Bay, 392

Spain—Civil War, Res. 45

Sugar Convention, 1864—Refined Sugar, 1811

**BOWYER, Sir G., Wexford Co.**

Coroners (Ireland), 2R. 517

Land Titles and Transfer, 2R. 435; Comm. 1934

Law and Justice—Serjeants-at-Law, 19

[cont.]

**BOWYER, Sir G.—cont.**

Parliament—Debates, Publication of, and Exclusion of Strangers, Res. 93

Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 122, 123

Sunday Act—Terry v. Brighton Aquarium Company, 1131, 1132

Supply—Home and Colonial Offices, New, 766

Houses of Parliament, 764

Natural History Museum, 775

Privy Council and Subordinate Departments, 1767

Wellington Monument, 773

Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1657

**BRISTOL, Marquess of**

Agricultural Holdings (England), Report, Amendt. 378

**BRISTOWE, Mr. S. B., Newark**

Friendly Societies, Comm. cl. 14, 1377

Public Health, Comm. cl. 59, 887

Sale of Food and Drugs, Comm. cl. 7, 196

Savings Banks, &c. Comm. 1496

**BROWN, Mr. A. H., Wenlock**

Friendly Societies, Comm. cl. 8, Amendt. 1202; cl. 14, Amendt. 1375; cl. 28, 1408

Public Health, Comm. cl. 60, 888; Consid. cl. 50, Amendt. 1360

Sale of Food and Drugs, Comm. cl. 7, Amendt. 196

**BROWNE, Mr. G. E., Mayo Co.**

Army Medical Officers, 19

**BRUCE, Lord E. A. C. B., Marlborough**

Metropolis—Hyde Park Corner, 1461

**BRUEN, Mr. H., Carlow Co.**

Coroners (Ireland), 2R. 524

Land Tenure in Ireland, Res. 1725

Peace Preservation (Ireland), Consid. cl. 3, Amendt. 417; Amendt. 421

**BRYAN, Mr. G. L., Kilkenny Co.**

National Monuments in Ireland, 866

**BUOOLEUCH, Duke of**

Pollution of Rivers, 2R. 546

**BUCKINGHAM and CHANDOS, Duke of**

Railways, Accidents on, 1874—Returns, 377

**BULWER, Mr. J. R., Ipswich**

Peace Preservation (Ireland), Comm. add. cl. 188

Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1655

**BUTLER-JOHNSTONE, Mr. H. A., Canterbury**

Peace Preservation (Ireland), Comm. cl. 5, 38; 3R. 485

Ways and Means—Financial Statement, 352



**BUTT, Mr. I., *Limerick City***

Coroners (Ireland), 2R. 522

Corrupt Practices Act—Parliamentary Elections Act, 1461

Irish Fisheries—Report for 1874, 1808

Landlord and Tenant (Ireland) Act (1870) Amendment, 2R. 1306

Land Tenure in Ireland, Res. 1716, 1735

Parliament—Debates, Publication of, and Exclusion of Strangers, 1178, 1181

Peace Preservation (Ireland), Comm. cl. 5, 29, 31, 33; Amendt. 35, 182; *add. cl.* 189; Schedule A, Amendt. 190; Preamble, 194, 195, 196; Consid. Amendt. 398, 407, 410; cl. 3, 416, 417, 422, 424; Amendt. 427, 429; Amendt. 431; Amendt. 432; Amendt. 433; 3R. Amendt. 477

Stamp Duties (Ireland)—Notices to Quit, 1402

Towns Rating (Ireland), 2R. 539, 628, 630, 631

**CADOGAN, Earl**

Army—Militia Depôts and Stores, 1233

Army—Examinations, Address for a Paper, 1349

Regimental Exchanges, 2R. 269

**CAIRNS, Lord (*see* CHANCELLOR, The Lord)****CALLAN, Mr. P., *Dundalk***

Parliament—Debates, Publication of, and Exclusion of Strangers, Res. 91

Peace Preservation (Ireland), Comm. *add. cl.* 187; Consid. cl. 3, 424

Sale of Intoxicating Liquors on Sunday (Ireland), 2R. Amendt. 104, 118

Towns Rating (Ireland), 2R. 542

**CALLENDER, Mr. W. R., *Manchester***

Friendly Societies, Comm. cl. 14, Amendt. 1378; cl. 28, Amendt. 1386

**CAMBRIDGE, Duke of (Field Marshal Commanding-in-Chief)**

Army, Efficiency of the, 1103

Regimental Exchanges, 2R. 245, 254, 255

**CAMERON, Dr. C., *Glasgow***

Friendly Societies, Comm. cl. 7, 1201; cl. 28, 1409

Medical Acts Amendment (College of Surgeons), Comm. 1560

Sale of Food and Drugs, Comm. cl. 9, 204; cl. 11, Amendt. 207; cl. 13, Amendt. *ib.*; cl. 16, Amendt. 208; cl. 21, 511, 596; cl. 29, 603; Consid. cl. 13, Amendt. 783

Supply—Privy Council and Subordinate Departments, 1786

**CAMOYS, Lord**

Church Patronage, Comm. cl. 19, 1228

**CAMPBELL, Sir G., *Kirkcaldy, &c.***

Army—Short Service—Service in India, 1130

Coroners (Ireland), 2R. 525

India—Nizam State Railway, Hyderabad, 1466, 1467, 1626

Peace Preservation (Ireland), Comm. cl. 5, 39

Sheriff Courts (Scotland), 925

**CAMPBELL-BANNERMAN, Mr. H., *Stirling, &c.***

Army—British Troops in India, Res. 647

Parliament—Public Business, 1626

**Canada, Dominion of***Immigration and Colonization*, Question, Mr.

J. G. Talbot; Answer, Mr. Solater-Booth

June 10, 1825;—*Pauper Children*, Question,

Mr. Evelyn Ashley; Answer, Mr. J. Lowther

June 14, 1813

**CANTERBURY, Archbishop of**

Church Patronage, Comm. cl. 12, 1217; cl. 18, 1222; cl. 19, Amendt. 1224, 1231; 3R. 1455

Exeter Union of Benefices, 2R. 1709

**CARDWELL, Viscount**

Army, Efficiency of the, 1109, 1117, 1123

Parliament—Business of the House, 543

Regimental Exchanges, 2R. Amendt. 224, 236

**CARLINGFORD, Lord**

Agricultural Holdings (England), Report, cl. 4, 379; 3R. Amendt. 559, 564

Peace Preservation (Ireland), 2R. 574; 3R. 640

Railways, Accidents on, 1874—Return, 377

Transport of Cattle by Sea and Land, Motion for a Committee, 1704

**CARNARVON, Earl of (Secretary of State for the Colonies)**

Fiji Islands, Reported Epidemic in the, 1618

Pacific Islanders Protection, Comm. *add. cl.* 2**CATHCART, Earl of**

Birmingham (Corporation) Water, 2R. 1777

**Catholic Emancipation Act—Jesuits in England**

Question, Mr. Whalley; Answer, Mr. Disraeli,

June 10, 1822; Questions, Mr. Whalley;

Answers, Mr. Asheton Cross June 11, 1715

**Cattle Importation — Ill-treatment in Transit**

Question, Sir George Jenkinson; Answer, Viscount Sandon May 6, 180

**Cattle—Transport of Cattle by Sea and Land**

Moved that there be laid before this House,

"Copy of Report of the Inspector of the Privy Council relative to the case of the importation of foreign cattle at Deptford referred to by the Lord President on the 30th of April last; also

"Copy of Letter from J. Colan, Esq., to Dr. Williams, Veterinary Department, Privy Council, of 29th April 1875; and

"Copies of the general instructions issued to Inspectors of Ports in the United Kingdom relative to the importation of foreign cattle :

[cont.]

**Cattle—Transport of Cattle by Sea and Land—**  
cont.

"And also to call attention generally to the state of the law with regard to the transport of foreign cattle" (*The Earl De La Warr*) May 31, 1885; after short debate, Motion agreed to

**Cattle—Transport of Foreign**

Moved that a Select Committee be appointed, To inquire into the state of the law with regard to the transport of cattle by sea and land :  
To inquire into the rules and regulations of the Privy Council, with special reference to the methods of transport now adopted :  
To receive evidence with reference to such alterations of the law as may be deemed advisable, and to report upon it (*The Earl De La Warr*) June 11, 1891; after short debate, Motion withdrawn

**CAVE, Right Hon. S. (Judge Advocate General and Paymaster General),**  
*New Shoreham*

Army—Court Martial at St. Helena—Case of Gunner Jures, 1403  
Courts Martial, 1628  
Army—Military Officers, Removal of, Motion for an Address, 1444  
Chelsea Hospital (Lands), 2R. 1616

**CAVENDISH, Lord F. C., Yorkshire,**  
*W.R., N. Div.*

Church of England—Vicarage of Halifax, 1132  
Savings Banks, &c. Comm. 967; cl. 5, 1513

**CAWLEY, Mr. C. E., Salford**

Friendly Societies, Comm. cl. 28, 1411  
Public Health, Comm. cl. 17, 886; cl. 23, 887; cl. 34, Amendt. ib.; Consid. cl. 179, 1363  
Sale of Food and Drugs, Comm. cl. 9, 200, 204, 207; cl. 24, 598

**Central Asia**

*Railway Communication in the East—Asiatic Railways—Beloochistan and Persia*, Question, Sir H. Drummond Wolff; Answer, Mr. Bourke May 24, 1795  
*Russia and the Oxus*, Question, Mr. Hanbury; Answer, Mr. Bourke June 2, 1858

**CHADWICK, Mr. D., Macclesfield**

County Courts, 2R. 1516  
Friendly Societies, Comm. cl. 14, 1373, 1874, 1375, 1376  
Metropolitan Poor Act—Hampstead Fever and Small Pox Hospital, Motion for a Committee, 1594  
Savings Banks, &c. Comm. 1497; cl. 7, 1515

**CHAMBERS, Sir T., Marylebone**

Bishopric of Saint Albans, 2R. 507  
Civil Service Stores, 920  
Friendly Societies, Comm. add. cl. 1413  
Metropolis—Explosion in Regent's Park, 924  
Sale of Food and Drugs, Comm. cl. 21, 512; cl. 24, 597

**CHANCELLOR, The LORD (Lord CAIRNS)**

Agricultural Holdings (England), Report, cl. 5, 383; cl. 6, 384; cl. 16, 386, 387  
Birmingham (Corporation) Water, 2R. 1778  
Church Patronage, Comm. cl. 12, Amendt. 1217; Amendt. 1218, 1219; cl. 16, 1221; cl. 19, 1227, 1231  
Exeter Union of Benefices, 2R. 1708  
General School of Law, 1R. 16; 2R. 997; Comm. 1891  
Inns of Court, 1R. 8  
Landed Estates Act (Ireland) Amendment, 2R. 1348  
Peace Preservation (Ireland), 3R. 640  
Pollution of Rivers, 2R. 554  
Sale of Food and Drugs, Comm. cl. 3, 1895  
Sligo, Leitrim, and Northern Counties Railway (Preference Stock), Comm. 995  
Tithes (Scotland), 2R. 371

**CHANCELLOR of the EXCHEQUER (Right Hon. Sir S. H. NORTHCOTE), Devon,**  
*N.*

Civil Service Stores, 920  
Civil Service Writers, 919  
Commerce and Agriculture, Department of, Res. 732  
Criminal Law—Cost of Prosecutions, 750  
Customs and Inland Revenue, Comm. 927, 928, 931; cl. 11, 936; add. cl. ib., 938, 941, 942  
Friendly Societies, Comm. 1195; cl. 4, 1199; cl. 7, 1201; cl. 8, 1202; cl. 10, 1246, 1247, 1248; Amendt. 1249; cl. 11, 1250, 1251, 1252, 1253, 1254, 1255; cl. 12, ib.; cl. 14, 1366, 1368, 1369, 1370, 1372, 1373, 1374; Amendt. ib., 1375, 1376, 1377, 1378; Amendt. 1379, 1380; cl. 15, ib., 1381; cl. 16, ib.; cl. 20, 1382; cl. 21, Amendt. ib., 1383; cl. 22, ib.; cl. 23, 1384; cl. 24, ib.; cl. 25, 1385; cl. 26, ib.; cl. 27, 1386; cl. 28, ib., 1388, 1407, 1409; Amendt. 1410, 1411; cl. 30, ib., 1412; cl. 31, 1413; cl. 33, ib., 1414  
Increase of the Episcopate, 2R. 1083  
Local Authorities Loans, 2R. 605, 609; Comm. 991  
Metropolis Gas Companies, 2R. 624  
Metropolitan Bridges, 582  
National Debt (Sinking Fund), Comm. 1529, 1538, 1545; cl. 1, 1554, 1558, 1559; cl. 3, 1560  
Parliament—Public Business, 587, 927, 990, 1009, 1561, 1627  
Post Office Savings Banks, 1134;—Mr. C. W. Sikes, 1354  
Public Works Loan Acts Amendment, 585; 2R. 796, 854  
Railway Passenger Duty, 470  
Savings Banks, &c. Comm. 946, 956, 961; Preamble, 982, 983, 986, 987, 1470, 1473, 1475, 1491, 1493, 1494, 1495, 1497, 1500; cl. 2, Amendt. 1502; cl. 3, 1503; cl. 4, 1504; cl. 5, Amendt. ib., 1507, 1510, 1512, 1513; cl. 7, 1515  
Supply—Board of Trade, 1771  
Rates on Government Property, 772, 773  
Treasury, The, 1765  
Towns Rating (Ireland), 2R. 631  
Ways and Means—Stamp Duties (Ireland)—Notices to Quit, 1402  
Ways and Means—Financial Statement, 814, 366, 367; Res. 369

**CHAPLIN, Colonel E., *Lincoln***  
Friendly Societies, Comm. 1188

**CHARLEY, Mr. W. T., *Salford***  
Infanticide, 2R. 531, 535; Comm. cl. 2, 1773  
Parliament—Debates, Publication of, and Ex-  
clusion of Strangers, Amendt. 1167  
Lords Spiritual—Rights of Bishops to sit  
in Parliament, 719  
Peace Preservation (Ireland), Comm. Preamble,  
194  
Supreme Court of Judicature Act (1873)  
Amendment (No. 2), 2R. 1643, 1664

**Chelsea Hospital (Lands) Bill**  
(*Mr. Stephen Cave, Lord Henry Lennox*)

c. Ordered \* June 2  
Read 1\* \* June 3 [Bill 193]  
Read 2\*, after short debate June 9, 1616  
Committee \*; Report June 10  
Read 3\* \* June 11  
l. Read 1\* \* (*Earl Cadogan*) June 14 (No. 152)

**CHICHESTER, Earl of**  
Bishopric of Saint Albans, 2R. 1888

**CHILDERS, Right Hon. H. C. E., *Pontefract***  
Customs and Inland Revenue, Comm. 934;  
*add. cl.* 937, 942  
Local Authorities Loans, 2R. 609  
National Debt (Sinking Fund), Comm. 1535,  
1536, 1538, 1550; *cl.* 1, 1558  
Navy Promotion and Retirement, Res. 1279,  
1292  
Parliament—Business of the House, 990, 1561  
Parliament—Debates, Publication of, and Ex-  
clusion of Strangers, Res. 93  
Registrar of Married Women's Acknowledg-  
ments, 581  
Savings Banks, &c. Comm. 972; Amendt.  
1469, 1493, 1494, 1501; *cl.* 5, 1509;  
Amendt. 1510  
Ways and Means—Financial Statement, 357

**Chimney Sweepers Bill [H.L.]**  
(*The Earl of Shaftesbury*)

l. Read 2\*, after debate May 11, 437 (No. 71)  
Committee \* June 3 (No. 124)  
Report \* June 4  
Read 3\* \* June 8  
c. Read 1\* \* (*Mr. Secretary Cross*) June 11  
[Bill 208]

**CHURCHILL, Lord R., *Woodstock***  
Navy—H.M.S. "Devastation," 1404  
Unreformed Borough Corporations, Motion for  
Papers, 1025

**Church of England**  
*Colleges of Minor Canons*, Question, Mr.  
Neville-Grenville; Answer, Mr. Assheton  
Cross May 10, 389  
*The Vicarage of Halifax*, Question, Lord  
Frederick Cavendish; Answer, Mr. Disraeli  
May 31, 1132

**Church Patronage Bill [H.L.]**

(*The Lord Bishop of Peterborough*)

l. Order for Committee read June 1, 1203  
Moved, "That this House do now resolve itself  
into a Committee;" after short debate,  
Committee  
Report June 4, 1397 (No. 122)  
Order for 3\* read; the Queen's consent signi-  
fied June 7, 1452  
Moved, "That the Bill be now read 3\*;" after  
short debate, Bill read 3\*  
c. Read 1\* \* (*Mr. Walpole*) June 11 [Bill 207]

**Civil Service Stores**

Question, Sir Thomas Chambers; Answer,  
The Chancellor of the Exchequer May 27,  
920

**Civil Service Writers**

Question, Sir H. Drummond Wolff; Answer,  
The Chancellor of the Exchequer May 27,  
919

**CLEVELAND, Duke of**

Agricultural Holdings (England), Report, *cl.* 4,  
382

**CLIVE, Mr. G., *Hereford***

Salmon Fishery Act, 1873—Severn District,  
471, 472

**Coal Mines**

*Bunker's Hill Explosion*, Question, Mr. Mac-  
donald; Answer, Mr. Assheton Cross May 7,  
289; June 11, 1714  
*National Federation of Coal Miners*, Question,  
Sir Edward Watkin; Answer, The Attorney  
General May 10, 388  
*Saltwell's Colliery*, Question, Mr. H. B. Sheri-  
dan; Answer, Sir Henry Selwin-Ibbetson  
May 27, 919  
*The Lock-out in South Wales*, Question, Mr.  
Macdonald; Answer, The Attorney General  
May 10, 390  
*Use of Gunpowder*, Question, Sir Sydney  
Waterlow; Answer, Mr. Assheton Cross  
May 31, 1126

**COCHRANE, Mr. A. D. W. R. Baillie,**  
*Isle of Wight*  
Parliament—Norwich New Writ, 1244  
Whitsuntide Recess, 595

**Cock Fighting**

Question, Mr. Macdonald; Answer, Mr.  
Assheton Cross June 8, 1519

**COLCHESTER, Lord**

Church Patronage, 3R. 1454

**COLE, Mr. H. T., *Penryn, &c.***

Infanticide, 2R. 536  
Sale of Food and Drugs, Comm. *cl.* 9, 203

**COLEBROOKE, Sir T. E., *Lanarkshire, N.***

Crosshill Burgh Extension, 3R. 1913  
Education (Scotland) Act, Res. 912

**COLERIDGE, Lord**

Church Patronage, Comm. cl. 12, 1217  
 Exeter Union of Benefices, 2R. 1711  
 Offences against the Person, 2R. 1519

**COLLINS, Mr. E., Kinsale**

Coroners (Ireland), 2R. 525  
 Local Authorities Loans, 2R. 608  
 Metropolis Gas Companies, 2R. 622  
 Metropolitan Poor Act—Hampstead Fever and Small Pox Hospital, Motion for a Committee, 1951  
 Peace Preservation (Ireland), Consid. cl. 3, 427  
 Savings Banks, &c. Comm. cl. 5, 1506

**COLMAN, Mr. J. J., Norwich**

Parliament—Norwich New Writ, 1241

**Colonies, Prerogative of Pardon in the**

Question, Mr. Hanbury; Answer, Mr. J. Lowther May 7, 289

**Compensation for Accidents to Workmen Bill** (Sir Edward Watkin, Mr. Kinnaid, Mr. Laverton)

c. Motion for Leave (Sir Edward Watkin) May 25, 916; after short debate, Motion agreed to; Bill ordered; read 1<sup>o</sup> [Bill 186]

**Competitive Examinations (Navy and Army)**

Moved that an humble Address be presented to Her Majesty for Copies of any official papers relating to the advantages or disadvantages of competitive examinations for the navy or any other department of the Government at home or abroad; and Copies of a letter from the Government of India to Sir Hugh Rose, when Commander-in-Chief in India, requesting him to submit to them his opinions on the question of education of candidates for first commissions in the army, and his answers, which they approved; and for, Copies of a letter from the Government of India (The Lord Strathnairn) June 7, 1447; after short debate, Motion amended, and agreed to Address for "Copies of a letter from the Government of India to Sir Hugh Rose, when Commander-in-Chief in India, requesting him to submit to them his opinions on the question of education of candidates for first commissions in the army, and his answers"

**CONOLLY, Mr. T., Donegal Co.**

Landlord and Tenant (Ireland) Act (1870) Amendment, 2R. 1322, 1329, 1332  
 Peace Preservation (Ireland), Comm. cl. 5, 32, 184; Consid. cl. 3, 420, 424

**Consolidated Fund (£15,000,000) Bill**  
 (The Lord President)

c. Committee; Report May 4  
 Read 3<sup>o</sup> May 7  
 Royal Assent May 13 [38 Vict. c. 10]

**Conspiracy and Protection of Property**

Bill (Mr. Secretary Cross, Mr. Attorney General, Sir Henry Selwin-Ibbelton)

c. Ordered; read 1<sup>o</sup> June 10 [Bill 204]

**COOPE, Mr. O. E., Middlessex**

Metropolitan Poor Act—Hampstead Fever and Small Pox Hospital, Motion for a Committee, 1938, 1954

**Copyright Acts—Legislation**

Question, Mr. Edward Jenkins; Answer, Mr. Disraeli May 10, 393

**Coroners (Ireland) Bill**

(Mr. Vance, Sir John Gray, Mr. Downing)

c. Read 2<sup>o</sup>, after short debate May 12, 514  
 [Bill 36]

**Corrupt Practices Prevention and Election Petitions Acts**

Question, Mr. Butt; Answer, Mr. Assheton Cross June 7, 1461

Report of Select Committee [No. 225]

**COTTESLOE, Lord**

Railways, Accidents on, 1874—Return, 374  
 Sale of Food and Drugs, 2R. 1451; Comm. cl. 29, 1899

**COTTON, Mr. Alderman W. J. R., London**

Metropolis Gas Companies, 2R. 617  
 Metropolitan Poor Act—Hampstead Fever and Small Pox Hospital, Motion for a Committee, 1954  
 Sale of Food and Drugs, Comm. cl. 9, 200; cl. 24, 598; Amendt. 603  
 Savings Banks, &c. Comm. cl. 5, 1513

**County Coroners (England) Bill**

(Mr. Henry Cole, Mr. Edward Jenkins)

c. Ordered; read 1<sup>o</sup> May 13 [Bill 174]

**County Courts Bill [H.L.]**

(Mr. Attorney General)

c. Read 1<sup>o</sup> May 6 [Bill 156]  
 Read 2<sup>o</sup>, after short debate June 7, 1515

**County Surveyors Superannuation (Ireland) Bill** (Sir Colman O'Loghlen, Mr. William Johnston, Mr. Macartney)

c. Read 2<sup>o</sup> May 4 [Bill 65]

**Court of Admiralty (Ireland) Act (1867) Amendment Bill** (Mr. Murphy, Mr. James Corry, Mr. Downing, Mr. Johnston, Mr. Ronayne, Mr. MacCarthy)

c. Ordered; read 1<sup>o</sup> June 7 [Bill 200]

COWAN, Mr. J., *Edinburgh*

Supply—Repair of Public Buildings, Amendt.  
761, 762, 763

COWEN, Mr. J., *Newcastle-on-Tyne*

Friendly Societies, Comm. cl. 11, Amendt.  
1249, 1252; cl. 14, 1369, 1373; cl. 27, Motion  
for reporting Progress, 1386; cl. 28,  
1409

Parliament—Debates, Publication of, and Ex-  
clusion of Strangers, Res. 93

Sunday Act—Brighton Aquarium Case, 789,  
1919

Supply—Home Office, 1765

CRAWFORD, Mr. J. S., *Down*

Landlord and Tenant (Ireland) Act (1870)  
Amendment, 2R. 1295, 1297

CRICHTON, Viscount, *Enniskillen*

Landlord and Tenant (Ireland) Act (1870)  
Amendment, 2R. 1326

Peace Preservation (Ireland), Consid. cl. 3,  
417

Towns Rating (Ireland), 2R. 628

### CRIMINAL LAW

*Costs of Prosecutions*, Question, Mr. Paget;  
Answer, Sir Henry Selwin-Ibbetson *May* 13,  
580;—*Treasury Minutes*, Observations, Mr.  
Gorst; Reply, The Chancellor of the Exche-  
quer; debate thereon *May* 21, 745;—*Adul-*  
*teration of Food Act*, Question, Mr. Grant-  
ham; Answer, Mr. Selater-Booth *May* 6,  
155

*Criminal Law Amendment Act* (1871)—*Picket-*  
*ing*, Question, Mr. Pennington; Answer, Sir  
Henry Selwin-Ibbetson *May* 13, 582;—  
*Alleged Ill-Treatment of Prisoners*, Question,  
Mr. Anderson; Answer, Mr. Assheton  
*Cross June* 14, 1814

*Hair Cutting*, Question, Mr. Muntz; Answer,  
Mr. Assheton *Cross May* 24, 788

*Prison Rules—The Cabinet Makers*, Question,  
Mr. Mundella; Answer, Mr. Assheton *Cross*  
*May* 31, 1134

*The Convict Castro or Orton*, Question, Obser-  
vations, Mr. Whalley; Reply, Mr. Assheton  
*Cross May* 11, 473

[See title *Law and Justice*]

*Treatment of Convicts—Portland Prison*,  
Question, Mr. O'Connor Power; Answer,  
Mr. Assheton *Cross June* 11, 1401

### Criminal Law Amendment Bill

(*Mr. Cole, Mr. Morgan Lloyd, Mr. Waddy*)

c. Ordered; read 1<sup>o</sup> \* *June* 3 [Bill 195]

### Crosshill Burgh Extension Bill (by Order)

c. Bill, as amended, considered *June* 15, 1900  
Ordered, That Standing Orders Nos. 203, 224,  
and 248, be suspended in the case of the said  
Bill

Moved, "That the Bill be now read 3<sup>o</sup>"

Amendt. to leave out "now," and add "upon  
this day three months" (*Mr. Anderson*);  
after debate, Question put, "That 'now,'  
&c.;" A. 202, N. 94; M. 108

Main Question put, and agreed to; Bill  
read 3<sup>o</sup>

Cross, Right Hon. R. A. (Secretary  
of State for the Home Depart-  
ment), *Lancashire, S.W.*

Adulteration of Food Act—Beer, 470

Bishopric of Saint Albans, 2R. 508; Comm.  
cl. 7, 604; cl. 9, Amendt. ib.; cl. 13, 605;  
Consid. cl. 8, 781; cl. 11, 782

Catholic Emancipation Act—Jesuits in Eng-  
land, 1716

Coal Mines—Bunker's Hill, Colliery Explosion  
at, 289, 1714

Gunpowder, Use of, 1127

Cockfighting, 1520

Corrupt Practices Act—Parliamentary Elec-  
tions Act, 1462

Criminal Law—Miscellaneous Questions

Convict Castro, The, 473

Conviction for Picketing—Alleged Ill-  
treatment of Prisoners, 1814

Convicts, Treatment of—Portland Prison,  
1401

Prison Regulations—Hair Cutting, 789

Prison Rules—Cabinet Makers, 1135

Elementary Education Act—Compulsory At-  
tendance, 1810

Employers and Workmen, Leave, 1668, 1688

Established Church—Colleges for Minor  
Canons, 389

Explosion of Gun Cotton (Woolwich), 1024

Friendly Societies, Comm. cl. 23, 1384

Law and Justice—Frome Magistrates, 20

Worthing Magistrates, 289

Licensing Act, 1872—Transfer of Licences,  
1351

Magistracy—Appointment of Magistrates,  
Exeter, 391

Metropolis—Cab Fares; 786

Good Friday, Musical Performances on—  
Lord Chamberlain's Licences, 469

Theatres—Provision in Case of Fire, 744

Mines Inspectors' Reports for 1874, 1402

Offences against the Person, Consid. 435; 2R.  
1878

Public Prosecutors, 392

Sale of Intoxicating Liquors on Sunday (Ire-  
land), 1359

Salmon Fishery Act, 1873—Severn District,  
472

Savings Banks, &c. Comm. 976, 977

Security of the Person, Leave, 209

Sunday Act—Terry v. Brighton Aquarium  
Company, 20, 789, 1131, 1132, 1813, 1920

Supreme Court of Judicature Act (1873)  
Amendment (No. 2), 2R. 1667

Tichborne Trial, 162, 1008, 1068, 1069, 1070

Unreformed Borough Corporations, Motion for  
Papers, 1031

Vivisection—A Royal Commission, 794

### Customs and Inland Revenue Bill

(*Mr. Raikes, Mr. Chancellor of the Exchequer,*  
*Mr. William Henry Smith*)

c. Read 1<sup>o</sup> \* *May* 10

[Bill 168]

Read 2<sup>o</sup> \* *May* 13

Order for Committee read *May* 27, 927

Ordered, That it be an Instruction to the Com-  
mittee, that they have power to make provision  
for the repeal of the Stamp Duties on  
appointments to offices or employments (*Mr.*  
*Chancellor of the Exchequer*)

[cont.]



*Customs and Inland Revenue Bill—cont.*

Moved, "That Mr. Speaker do now leave the Chair"  
 Amendt. to leave out from "That," and add "in the opinion of this House, the remission of Taxation to the extent of £60,000 per annum, arising from the proposed alteration in Duties on Licences for Brewers, would be suitably met by an equivalent increase in the Malt Duties" (*Sir Wilfrid Lawson*) v.; Question proposed, "That the words, &c.," after short debate, Amendt. withdrawn  
 Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee; Report Considered \* May 31  
 Read 3<sup>d</sup> \* June 1  
 Read 1<sup>st</sup> \* (*The Lord President*) June 3  
 Read 2<sup>d</sup> \* June 7 (No. 126)  
 Committee\*; Report June 8  
 Read 3<sup>d</sup> \* June 10  
 Royal Assent June 14 [38 *Vict.* c. 23]

**DALRYMPLE, Mr. C.,** *Buteshire*  
 Education (Scotland) Act, Res. 913  
 Supply—Houses of Parliament, 764

**DARTREY, Earl of**  
 Sanitary Officers (Ireland), Motion for a Return, 1396

**DAVIES, Mr. D.,** *Cardigan*  
 Savings Banks, &c. Comm. 989

*Dean Forest and Hundred of Saint Briavels Bill*  
 Question, Colonel Kingscote; Answer, Mr. W. H. Smith June 14, 1812

**DEASE, Mr. O'Reilly**  
 Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 136

**DE LA WARR, Earl**  
 Elementary Education Act, 1871—Elizabeth Marks, Case of, 1389  
 Transport of Foreign Cattle, Motion for Papers, 1085, 1091; Motion for a Committee, 1691, 1699, 1706

**DENISON, Mr. C. BECKETT—, Yorkshire, W. R., E. Div.**  
 County Courts, 2R. 1616  
 Dover Pier and Harbour (Expenses), Report, Motion for Adjournment, 1517  
 Public Health, Comm. cl. 60, 888; cl. 68, Amendt. 889  
 Savings Banks, &c. Comm. 1496

*Department of Commerce and Agriculture*  
 Amendt. on Committee of Supply May 21, To leave out from "That," and add "in the opinion of this House, it is desirable that those functions of Her Majesty's Government which especially relate to Commerce and Agriculture should be administered under the direction of a Principal Secretary of State, who shall be a member of the Cabinet ;

[cont.]

*Department of Commerce and Agriculture—cont.*  
 and that an humble Address be presented to Her Majesty praying that She will be graciously pleased to give effect to this Resolution" (*Mr. Sampson Lloyd*) v., 723; after debate, Question, "That the words, &c.," put, and agreed to

**DERBY, Earl of** (Secretary of State for Foreign Affairs)  
 Agricultural Holdings (England), Report, cl. 4, 382  
 France, Germany, &c.—Peace of Europe, Motion for Correspondence, 1095  
 Geographical Exhibition at Paris, 1006, 1007  
 International Copyright, 2R. 3  
 Regimental Exchanges, 2R. 234, 236

**DEVON, Earl of**  
 Exeter Union of Benefices, 2R. 1710

**DILKE, Sir C. W.,** *Chelsea, &c.*  
 France—Coolie Emigration to the French Colonies, 1809  
 Germany and France, 471  
 India—China and Kashgar, 785  
 Parliament—Public Business, 173  
 Russia and Japan—Island of Saghalien, 786  
 Supply—Treasury, The, 1765  
 Unreformed Borough Corporations, Motion for Papers, 1009, 1029, 1030, 1031

**DILLWYN, Mr. L. L.,** *Swansea*  
 Increase of the Episcopate, 2R. 1082; Motion for Adjournment, 1083  
 Infanticide, Comm. cl. 3, Motion for reporting Progress, 1773  
 Metropolis Gas Companies, 2R. 618  
 Parliament—Opposed Bills, 1616  
 Parliament—Debates, Publication of, and Exclusion of Strangers, Res. 93, 916  
 Public Health, Comm. cl. 168, 894  
 Supply—House of Commons Offices, 1764  
 Parks and Pleasure Gardens, Amendt. 760, 761  
 Privy Council and Subordinate Departments, Amendt. 1766  
 Privy Seal Office, Amendt. 1772  
 Report, Amendt. 1879  
 Royal Palaces, 758, 759  
 Science and Art Department, 767  
 Treasury, 1764

*Diplomatic Reserve—The German Ambassador and the Roman Catholics*  
 Question, Mr. Sullivan; Answer, Mr. Disraeli May 20, 641

**DISRAELI, Right Hon. B.,** (First Lord of the Treasury), *Buckinghamshire*  
 Catholic Emancipation Act—Jesuits in England, 1622  
 Church of England—Vicars of Halifax, 1133  
 Commerce and Agriculture, Department of, Res. 739  
 Copyright Acts, 393

[cont.]

**DISRAELI, Right Hon. B.—cont.**

- Diplomatic Reserve—German Ambassador and Roman Catholics, 642
- France and Germany—Representation of Her Majesty's Government, 793
- Germany and the Papacy, 1357
- Merchant Shipping Acts Amendment, 1857, 1811
- National Debt (Sinking Fund), Comm. 1550
- National Gallery—Purchase of a Picture by Solario, 397
- Offences against the Person Act Amendment, 2R. 1878
- Parliament—Miscellaneous Questions
  - Derby Day, 476, 796
  - Private Telegraph Wires—St. Stephen's Club, 22
  - Public Business, Motion for Adjournment, 163, 167, 170, 173, 174, 175, 398, 476, 586, 718, 795, 926, 927, 1467, 1468, 1626, 1627, 1629, 1630
  - Whitsuntide Holidays, 290, 395, 587, 594
- Parliament—Debates, Publication of, and Exclusion of Strangers, Res. 78, 92, 93, 1175; Amendt. 1185
- Parliamentary, &c. Elections—Law of Registration, 1812
- Peace Preservation (Ireland), Comm. Preamble, 195, 792
- Public Works Loan Acts Amendment, 2R. 853
- Sale of Intoxicating Liquors on Sunday (Ireland), 394, 1369
- Savings Banks, &c. Comm. Preamble, 988, 989, 990; Comm. 1486; cl. 7, 1515
- Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1668
- Wales, Prince of—Visit of H.R.H. to India, 1356

**DIXON, Mr. G., Birmingham**

- Elementary Education Act—Winchester, 921
- Elementary Education (Compulsory Attendance), 2R. \*1562, 1584, 1610
- Friendly Societies, Comm. cl. 14, Amendt. 1379; cl. 25, Amendt. 1385; cl. 26, Amendt. 15.

**DODDS, Mr. J., Stockton**

- House Occupiers Disqualification Removal, Comm. Motion for Adjournment, 1689
- Metropolis Gas Companies, 2R. 622, 625

**DODSON, Right Hon. J. G., Chester**

- Friendly Societies, Comm. cl. 11, 1251, 1253; cl. 14, 1365, 1367, 1368; cl. 28, 1387, 1408
- Parliament—Debates, Publication of, and Exclusion of Strangers, Res. 92, 1185
- Sale of Food and Drugs, Comm. cl. 24, 600
- Savings Banks, &c. Comm. 1489; cl. 5, 1505
- Ways and Means—Financial Statement, 354, 364

**DONOUGHMORE, Earl of**

- Regimental Exchanges, 2R. 274

**Dover Pier and Harbour Bill [Bill 48]**

(Sir Charles Adderley, Mr. Cavendish Bentinck, Mr. William Henry Smith)

c. Report \* June 1

[Bills 64-192]

**Dover Pier and Harbour [Expenses]**

Resolution [June 1] reported "That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of one-third of the expenses incurred in the construction of Works in pursuance of any Act of the present Session for authorising the construction of additional Piers and Works at Dover" June 7, 1517; Resolution read the first time; Moved, "That the said Resolution be now read a second time;" after short debate, "Moved, "That the Debate be now adjourned" (Mr. Beckett-Denison); Motion withdrawn; Resolution agreed to

**DOWNING, Mr. M'Carthy, Cork Co.**

- Coroners (Ireland), 2R. 821
- Land Tenure in Ireland, Res. 1728
- Parliament—Private Telegraph Wires—St. Stephen's Club, 21
- Parliamentary Elections (Returning Officers), Consid. cl. 4, Amendt. 917
- Peace Preservation (Ireland), Comm. cl. 5, 184; Preamble, 192; Consid. 410, 411; cl. 3, 420, 425; Amendt. 430, 431, 433

**Drainage and Improvement of Lands (Ireland) Provisional Order Bill [H.L.]**

(The Lord President)

- l. Presented; read 1<sup>st</sup>, and referred to the Examiners June 8 (No. 138)

**Drugging of Animals Bill**

(Sir John Askey, Mr. Chaplin, Mr. Rowland Winn)

- c. Ordered; read 1<sup>st</sup> May 25 [Bill 184]

**DUNDAS, Hon. J. C., Richmond**

- Public Prosecutors, 392

**DUNMORE, Earl of**

- Railways, Accidents on, 1874—Return, 375, 378
- Seal Fishery (Greenland), Comm. 1002

**DUNSANY, Lord**

- Transport of Cattle by Sea and Land, Motion for a Committee, 1705

**DYKE, Mr. W. H. (Secretary to the Treasury), Kent, Mid**

- Parliament—Public Business, 592

**DYNEVOR, Lord**

- Agricultural Holdings (England), Report, cl. 4, 380
- Bishopric of Saint Albans, 2R. \*1888

**EARP, Mr. T., Newark**

- Army—Militia Billeting, 1520
- Sale of Food and Drugs, Comm. cl. 10, Amendt. 208

**East India Revenue Accounts—The Annual Financial Statement**

Question, Mr. Alderman W. M'Arthur; Answer, Lord George Hamilton *May 13, 1884*

**Ecclesiastical Commissioners (Fen Chapels) Bill** (*Mr. Edward Stanhope, Mr. Spencer Walpole, Mr. Malcolm*)

a. Ordered; read 1<sup>st</sup> *May 13* [Bill 173]  
Read 2<sup>nd</sup> *June 7*

**EDMONSTONE, Admiral Sir W., *Stirlingshire***

Navy—Widows and Children of Sailors and Marines, 579

**EDUCATION****Elementary Education Act**

*Case of Mrs. Marks*, Question, Lord Eslington; Answer, Viscount Sandon *May 6, 188*; Question, Observations, Earl De La Warr, Lord Stanley of Alderley; Reply, The Duke of Richmond *June 4, 1889*

*Compulsory Attendance*, Question, Sir Lawrence Palk; Answer, Mr. Assheton Cross *June 14, 1810*

*London School Board*, Question, Lord Henry Thynne; Answer, Viscount Sandon *June 7, 1463*

*National Schools, Middleton*, Question, Mr. Pease; Answer, Viscount Sandon *June 15, 1920*

*Winchester*, Questions, Mr. Dixon, Mr. W. E. Forster; Answers, Viscount Sandon *May 27, 921*

**Education (Scotland) (Sutherland and Caithness) Bill** [Bill 145]

(*The Marquess of Stafford, Sir John Sinclair, Sir Robert Anstruther, Mr. Whitbread*)

c. Order for Committee read *June 15, 1935*

Moved, "That it be an Instruction to the Committee that they have power to extend the provisions of the Act to Scotland generally, so far as to provide for an efficient audit of the accounts of school boards, and to enable school boards either to lease or to accept the transfer of certain existing schools" (*Mr. Ramsay*); after short debate, Motion withdrawn

Moved, "That Mr. Speaker do now leave the Chair;" Debate adjourned

**EDWARDS, Mr. H., *Weymouth***  
Navy—Naval College—Weymouth, 1351**EGERTON OF TATTON, Lord**  
Agricultural Holdings (England), Report, *cl. 4, 380***EGERTON, Hon. A. F. (Secretary to the Board of Admiralty), *Lancashire, S.E.***  
Navy (Promotion and Retirement), Res. 1293**EGERTON, Hon. Admiral F., *Derbyshire, E.***  
Navy—H.R.H. the Prince of Wales' Visit to India, 1521**ELCHO, Lord, *Haddingtonshire***

Army (Recruits), 649, 652, 690, 694, 696

Army Estimates—Militia Pay, 717

National Gallery—Solaris, Purchase of a Picture by, 397

Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1841

**Elementary Education (Compulsory Attendance) Bill** [Bill 16]

(*Mr. Dizon, Mr. Mundella, Sir John Lubbock, Mr. Trevelyan*)

c. Moved, "That the Bill be now read 2<sup>nd</sup>" *June 9, 1562*

Amend. to leave out "now," and add "upon this day three months" (*Mr. Hamond*); after long debate, Question put, "That 'now,' &c.;" A. 164, N. 255; M. 91

Words added; main Question, as amended, put, and agreed to; 2R. put off  
Division List, Ayes and Noes, 1611

**Elementary Education Provisional Order Confirmation (Brighton) Bill** [H.L.]

(*Viscount Sandon*)

l. Read 3<sup>rd</sup> *May 4* [Bill 129]  
Royal Assent *May 13* [38 Vict. c. viii]

**Elementary Education Provisional Orders Confirmation (Caister, &c.) Bill** [H.L.]

(*Viscount Sandon*)

l. Royal Assent *May 13* [38 Vict. c. vii]

**Elementary Education Provisional Order Confirmation (London) Bill** [H.L.]

(*The Lord President*)

l. Presented; read 1<sup>st</sup> *May 13* (No. 104)

**Elementary Education Provisional Order Confirmation (London) (No. 2) Bill** [H.L.]

(*The Lord President*)

l. Presented; read 1<sup>st</sup>, and referred to the Examiners *June 10* (No. 141)

**Employers and Workmen Bill**

(*Mr. Secretary Cross, Mr. Attorney General, Sir Henry Selwin-Ibbetson*)

c. *The Labour Laws*, Moved, "That the Orders of the Day subsequent to the Order for resuming the Adjourned Debate on going into Committee on the Land Titles and Transfer Bill be postponed till after the Notice of Motion for leave to bring in a Bill to amend the Labour Laws" (*Mr. Disraeli*) *June 10, 1628*

Amend. to leave out from "resuming," to "Transfer Bill," both inclusive, and insert "the Second Reading of the Supreme Court of Judicature Bill" (*Mr. Macdonald*)

[cont.]

**Employers and Workmen Bill—cont.**

v.; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn; main Question put, and agreed to Motion for Leave (*Mr. Assheton Cross*) *June 10, 1868*; after debate, Motion agreed to; Bill ordered; read 1°\* [Bill 203]

**Endowed Schools Act (1868) Continuance Bill** (*Viscount Sandon, Sir Henry Selwin-Ibbetson, Mr. William Henry Smith*)

- c. Ordered; read 1°\* *May 10* [Bill 161]  
 Read 2°\* *May 13*  
 Committee\*; Report *May 20*  
 Read 3°\* *May 21*  
 l. Read 1°\* (*The Lord President*) *May 28* (No. 109)

**ENNIS, Mr. N., Meath**

Peace Preservation (Ireland), Comm. cl. 5, Amendt. 41

**ENNISKILLEN, Earl of**

Sligo, Leitrim, and Northern Counties Railway—Preference Stock, Comm. 996

**Epping Forest Act—Report of the Commissioners**

Question, Mr. Samuda; Answer, Lord Henry Lennox *May 27, 1924*

**ESLINGTON, Lord, Northumberland, S.**

Elementary Education Act—Mrs. Marks, Case of, 156, 159  
 Friendly Societies, Comm. cl. 11, 1252; cl. 14, 1369  
 Parliament—Debates, Publication of, and Exclusion of Strangers, Res. 90  
 Peace Preservation (Ireland), Consid. 406  
 Public Health, Comm. cl. 89, 891; Consid. cl. 89, Amendt. 1361  
 Savings Banks, &c. Comm. 966; cl. 4, 1503; cl. 5, 1511

**European Assurance Society Arbitration Bill (Lords) (by Order)**

(*Mr. Attorney General*)

- c. Read 2°, after short debate, and committed to a Select Committee; Five to be nominated by the House, and four by the Committee of Selection

**EVANS, Mr. T. W., Derbyshire, S.**

Infanticide, 2R. 537  
 Sale of Food and Drugs, Comm. cl. 9, 200

**EWING, Mr. A. Orr, Dumbartonshire**

Education (Scotland) (Sutherland and Caithness), Comm. 1936

**EXCHEQUER, CHANCELLOR of the (see CHANCELLOR of the EXCHEQUER)****EXETER, Bishop of**

Church Patronage, Comm. cl. 16, Amendt. 1221

Exeter Union of Benefices, 2R. 1706, 1711

**Exeter Union of Benefices Bill [H.L.]**

(*The Lord Bishop of Exeter*)

- l. Bill withdrawn, after short debate *June 11, 1706* (No. 58)

**Experiments on Animals Bill**

(*Mr. Lyon Playfair, Mr. Spencer Walpole, Mr. Ashley*)

- c. Ordered; read 1°\* *May 12* [Bill 163]  
 Bill withdrawn\* *May 28*

**Explosive Substances Bill**

(*Earl Beauchamp*)

- l. Committee\* *May 7* (No. 75)  
 Report\* *May 10* (No. 95)  
 Read 3°\* *May 13*  
 Royal Assent *June 14* [38 Vict. c. 17]

**Falsification of Accounts Bill**

(*Sir John Lubbock, Mr. Freshfield, Mr. Russell Gurney, Mr. Kirkman Hodgson, Mr. Lopes*)

- c. Read 3°\* *May 4* [Bill 121]  
 l. Read 1°\* (*M. of Lansdowne*) *May 7* (No. 93)  
 Read 2°\* *May 28, 1904*  
 Committee\* *June 3* (No. 125)  
 Report\* *June 4*  
 Read 3°\* *June 7*  
 Royal Assent *June 29* [38 & 39 Vict. c. 24]

**FAWCETT, Mr. H., Hackney**

Elementary Education (Compulsory Attendance), 2R. 1594

Local Authorities Loans, Comm. Amendt. 991  
 National Debt (Sinking Fund), Comm. cl. 3, 1560

Public Works Loan Acts Amendment, 584; 2R. Amendt. 802

Savings Banks, &c. Comm. Amendt. 943, 982; Preamble, 989, 990, 1483, 1494, 1495; cl. 5, 1505, 1510, 1513

**FAY, Mr. C. J., Cavan Co.**

Peace Preservation (Ireland), Comm. cl. 5, 42, 185; add. cl. 188

**FEVERSHAM, Earl of**

Agricultural Holdings (England), 3R. 569

**FIELDEN, Mr. J., Yorkshire, W.R., E. Div.**

Intoxicating Liquors (Sundays), 1235, 1236  
 Licensing Act, 1872—Transfer of Licences, 1351

Supply—Board of Trade, 1771

**Fiji Islands, Reported Epidemic in the**

Question, Observations, The Earl of Shaftesbury; Reply, The Earl of Carnarvon *June 10, 1917*

**Fisheries—Destruction of Sea Fish by Torpedoes**

Question, Mr. Tremayne; Answer, Sir Charles Adderley June 4, 1403

**FLOYER, Mr. J., Dorsetshire**

Friendly Societies, Comm. cl. 14, 1371

**Foreign Office—Alleged Robbery of a Queen's Messenger**

Question, Mr. Owen Lewis; Answer, Mr. Bourke May 24, 793

**FORSTER, Sir C., Walsall**

Increase of the Episcopate, 2R. Motion for Adjournment, 1084

Parliament—Privilege—Fictitious Signatures, 1136

Sale of Intoxicating Liquors on Sunday (Ireland), 1773

**FORSTER, Right Hon. W. E., Bradford**  
Commerce and Agriculture, Department of, Res. 736

Elementary Education Act—Winchester, 923  
Elementary Education (Compulsory Attendance), 2R. 1608

Friendly Societies, Comm. 1192; cl. 4, 1199; cl. 7, 1201; cl. 10, Motion for reporting Progress, 1202; cl. 11, 1251; cl. 14, 1370, 1372, 1375; cl. 15, 1381

Parliament—Debates, Publication of, and Exclusion of Strangers, 1177

Public Business, 475, 1626, 1629

Sale of Food and Drugs, Comm. cl. 9, 206

Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 133

Towns Rating (Ireland), 2R. 629

**FORSYTH, Mr. W., Marylebone**

Bishopric of Saint Albans, Consid. cl. 8, 780

Friendly Societies, Comm. cl. 28, 1408

House Occupiers Disqualification Removal, Leave, 530

Metropolitan Poor Act—Hampstead Fever and Small Pox Hospital, Motion for a Committee, 1942

Parliament—Whitsuntide Recess, 593

Sale of Food and Drugs, Comm. cl. 24, 597

Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 125

Supply—Board of Trade, 1769, 1770

Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1815

**FORTESCUE, Earl\***

Agricultural Holdings (England), 3R. 556

Artizans Dwellings, Comm. cl. 8, 1346

Chimney Sweepers, 2R. 448

Poor Law, Res. 1805

Sale of Food and Drugs, Comm. cl. 3, 1895

**France**

Coolies Emigration to the French Colonies, Question, Sir Charles W. Dilke; Answer, Mr. Bourke June 14, 1809

Geographical Exhibition at Paris, Question, Observations, Lord Houghton; Reply, The Earl of Derby; short debate thereon May 28, 1005

**France, Germany, &c.—The Peace of Europe**

Question, Sir Charles W. Dilke; Answer, Mr. Bourke May 11, 471

Representation of Her Majesty's Government, Question, The Marquess of Hartington; Answer, Mr. Disraeli May 24, 793

Moved, "That an humble Address be presented to Her Majesty, praying Her Majesty to communicate to this House so much of the correspondence between Her Majesty's Government and the Governments of France, Germany, Russia, Italy, Belgium, the Netherlands, Spain, and Portugal relating to the peace of Europe which has taken place since the commencement of the present year as can be made known to Parliament without injury to the public service" (*The Earl Russell*) May 31, 1091; after short debate, on Question, resolved in the negative

**FRASER, Sir W. A., Kidderminster**

Metropolis—Theatres—Provision in Case of Fire, 742

Parliament—Debates, Publication of, and Exclusion of Strangers, 1182

Police (Metropolis)—Sick or Drunken Persons, 1084

Sale of Food and Drugs, Comm. cl. 9, 203

**Friendly Societies Bill**

(*Mr. Chancellor of the Exchequer, Mr. Secretary Cross, Mr. William Henry Smith*)

c. Committee\*; Report May 13 [Bills 2-169]

Order for Committee (*on re-comm.*) read; Moved, "That Mr. Speaker do now leave the Chair" May 31, 1186

Amendmt. to leave out from "That," and add "no legislation with regard to Friendly Societies can be deemed satisfactory that does not provide in some way for compulsory registration and audit, and for the gradual introduction in all cases of a properly calculated scale of contributions" (*Colonel Barttelot*) v.; after short debate, Question, "That the words, &c.," put, and agreed to

Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—R.P.

Committee (*on re-comm.*)—R.P. June 1, 1245

Committee (*on re-comm.*)—R.P. June 3, 1365

Committee; Report June 4, 1405 [Bill 196]

**GARDNER, Mr. J. T. Agg., Cheltenham**

India—Torokler, Mr., Case of, 1740

**Gas and Water Orders Confirmation**

Bill [H.L.] (*The Lord Dunsmore*)

l. Read 2<sup>a</sup>\* May 11 (No. 70)

**General Police and Improvement (Scotland) Provisional Order Confirmation**

Bill [H.L.] (*The Lord Steward*)

l. Presented; read 1<sup>a</sup>\*; and referred to the Examiners June 4 (No. 130)

Read 2<sup>a</sup>\* June 10



**General School of Law Bill**  
(*The Lord Selborne*)

l. Presented; read 1<sup>o</sup>, after short debate *May 4, 8*  
(No. 90)

Read 2<sup>o</sup>, after short debate *May 28, 90*  
Committee, after short debate *June 15, 1891*

**Germany and the Papacy**

Question, Mr. Whalley; Answer, Mr. Disraeli  
*June 3, 1857*

**GIBSON, Mr. E., *Dublin University***

Army Medical Service, 155  
Coroners (Ireland), 2R. 522  
Ireland, Property of the late Church of,  
Address for a Royal Commission, 1048, 1049  
Landlord and Tenant (Ireland) Act (1870)  
Amendment, 2R. Amendt. 1298  
Peace Preservation (Ireland), Consid. cl. 3,  
417  
Sunday Act—Terry v. Brighton Aquarium  
Company, 20

**GILPIN, Colonel R. T., *Bedfordshire***

Army Estimates—Militia Pay, 713  
Highways—Turnpike Trusts—Repairing of  
Roads, 1352

**GLADSTONE, Right Hon. W. E., *Greenwich***

Customs and Inland Revenue, Comm. 928;  
add. cl. 937, 941, 953  
National Debt (Sinking Fund), Comm. 1544,  
1545; cl. 1, Amendt. 1554, 1558  
Parliament—Public Business, 171, 990  
Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 144  
Savings Banks, &c. Comm. Preamble, 983, 987,  
990, 1474, 1477  
Ways and Means—Financial Statement, 290,  
366, 367

**Glebe Lands (Ireland) Bill**

(*Mr. Mulholland, Mr. Bruen, Viscount Crichton*)

l. Royal Assent *May 13* [38 Vict. c. 11]

**Glebe Loan (Ireland) Bill**

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

c. Ordered; read 1<sup>o</sup> *May 13* [Bill 176]

Read 2<sup>o</sup> *May 24*  
Committee\*; Report *May 25*  
Read 3<sup>o</sup> *May 27*

l. Read 1<sup>o</sup> (*Lord President*) *May 28* (No. 114)

**GOLDNEY, Mr. G., *Chippenham***

Friendly Societies, Comm. cl. 14, 1379; cl. 20,  
1382  
Landlord and Tenant (Ireland) Act (1870)  
Amendment, 2R. 1310  
Land Titles and Transfer, Comm. 1425, 1925  
Peace Preservation (Ireland), Comm. cl. 5,  
185  
Savings Banks, &c. Comm. 1483  
Supply—British Museum Buildings, 766  
New Courts of Justices and Offices, 776  
Wellington Monument, 773

**GOLDSMID, Sir F. H., *Reading***

House Occupiers Disqualification Removal,  
Leave, 530

**GOLDSMID, Mr. J., *Rochester***

Land Titles and Transfer, Comm. 1934  
Parliament—Debates, Publication of, and Ex-  
clusion of Strangers, Res. 89

**GORDON, Mr. W., *Chelsea***

Metropolitan Poor Act—Hampstead Fever and  
Small Pox Hospital, Motion for a Commit-  
tee, 1947

**GORST, Mr. J. E., *Chatham***

Criminal Law—Prosecutions, Costs of, 745  
Navy—Dockyard Servants, 786  
Non-commissioned Officers of Royal Marines  
as Sergeant Instructors of Volunteers,  
1808  
Public Health, Comm. cl. 89, 890; Consid.  
cl. 89, Amendt. 1362; cl. 257, Amendt.  
1363; cl. 268, Amendt. 1364

**GOSCHEN, Right Hon. G. J., *London***

Customs and Inland Revenue, Comm. add. cl.  
941  
Metropolis Gas Companies, 2R. 617  
National Debt (Sinking Fund), Comm. cl. 1,  
1556, 1557  
Navy—Promotion and Retirement, Res. 1293  
Parliament—Public Business, 1629  
Savings Banks, &c. Comm. Preamble, 985,  
986, 1472, 1475, 1490, 1497; cl. 3, 1502,  
1503; cl. 4, 1504; cl. 5, 1509  
Towns Rating (Ireland), 2R. 541, 629

**GOURLEY, Mr. E. T., *Sunderland***

Friendly Societies, Comm. cl. 10, 1247; cl. 14,  
1365  
Merchant Shipping Acts Amendment, 1811  
Public Health, Comm. cl. 89, 890; cl. 139,  
892; cl. 211, Amendt. 991; Consid. cl. 285,  
Amendt. 1364

**Government Officers Security Bill**

(*Mr. William Henry Smith, Mr. Chancellor of  
the Exchequer*)

c. Ordered; read 1<sup>o</sup> *May 27* [Bill 188]  
Read 2<sup>o</sup> *May 31*

**GRANTHAM, Mr. W., *Surrey, E.***

Adulteration of Food Act, 1872—Cost of Pro-  
secutions, 155  
Bishopric of Saint Albans, 2R. 506  
Sale of Food and Drugs, Comm. cl. 21, 513  
Supreme Court of Judicature Act (1873)  
Amendment (No. 2), 2R. 1661

**GRANVILLE, Earl**

Birmingham (Corporation) Water, 2R. 1777  
France, Germany, &c.—Peace of Europe, Mo-  
tion for Correspondence, 1099  
Regimental Exchanges, 2R. 274; Comm. 467

**GREGORY, Mr. G. B., *Sussex, E.***

Friendly Societies, Comm. *cl.* 28, 1410  
 Land Titles and Transfer, Comm. 1929  
 Parliament—Norwich New Writ, 1244  
 Post Office—Postal Arrangements—Lewes and  
 Eastbourne, 1233  
 Savings Banks, &c. Comm. 968; *cl.* 5, 1505,  
 1506, 1511  
 Supply—New Courts of Justice and Offices,  
 775  
 Supreme Court of Judicature Act (1873)  
 Amendment (No. 2), 2R. 1668

**GREY, Earl**

Army—Efficiency of the, 1114, 1117

**GUINNESS, Sir A. E., *Dublin***

Alkali Act, 1863—Inspection of Chemical  
 Works, Ireland, 475  
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**GURNEY, Right Hon. R., *Southampton***

Infanticide, 2R. 537

**HAMILTON, Lord G. F. (Under Secretary  
of State for India), *Middlesex***

East India Revenue Accounts—Financial State-  
 ment, 584  
 India—Miscellaneous Questions  
 Baroda, Gaikwar of, 394, 866  
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 Burmah—Murder of Colonel Hamilton,  
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 787  
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 1626  
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 Torokler, Mr., Case of, 1741

**HAMILTON, Hon. R. Baillie, *Berwick-  
shire***

Scotland—Stray Dogs—Sheep Worrying, 393

**HAMOND, Mr. C. F., *Newcastle-upon-  
Tyne***

Elementary Education (Compulsory Attend-  
 ance), 2R. Amendt. 1580, 1587

**HAMPTON, Lord**

Agricultural Holdings (England), Report, *cl.* 4,  
 379  
 Birmingham (Corporation) Water, 2R. Amendt.  
 1774  
 Offences against the Person, 2R. 1518  
 Poor Law, Res. 1805

**HANBURY, Mr. R. W., *Tamworth***

Central Asia—Russia and the Oxus, 1358  
 Pardon, Prerogative of, 289

**HANKEY, Mr. T., *Peterborough***

Customs and Inland Revenue, Comm. *cl.* 11,  
 936  
 Dover Pier and Harbour (Expenses), Report,  
 1517  
 Savings Banks, &c. Comm. 981

**HARCOURT, Sir W. G. V., *Oxford City***

Bishopric of Saint Albans, 2R. 502; Consid.  
*cl.* 8, 781  
 House Occupiers Disqualification Removal,  
 Comm. 1688  
 Increase of the Episcopate, 2R. Amendt. 1077  
 Offences against the Person Act Amendment,  
 2R. 1878  
 Parliament—Debates, Publication of, and Ex-  
 clusion of Strangers, 1148, 1151  
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 Unreformed Borough Corporations, Motion for  
 Papers, 1030

**HARDCASTLE, Mr. E., *Lancashire, S.E.***

Sale of Food and Drugs, Comm. *cl.* 9, 200  
 Supply—Board of Trade, 1771

**HARDINGE, Viscount**

Army—Efficiency of the, 1101  
 Regimental Exchanges, Comm. 466

**HARDY, Right Hon. Gathorne (Secretary  
of State for War), *Oxford University***

Army—Miscellaneous Questions  
 Clark's Model for Drill Instruction, 641  
 Death of a Soldier from Alcohol—Carlow,  
 785  
 Divine Service, Attendance at—Meath  
 Militia, 1625, 1923, 1924  
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 1126  
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 clusion of Strangers, Res. 88, 90, 1136,  
 1151, 1358

**HARDY, Right Hon. G.—*cont.***

Supreme Court of Judicature Act (1873)  
Amendment (No. 2), 2R. 1823, 1834  
Towns Rating (Ireland), 2R. 630

**HARRISON, Mr. J. F., *Kilmarnock, &c.***  
Game Laws (Scotland)—Gamekeepers, 1623

**HARROWBY, Earl of**  
Agricultural Holdings (England), Report, *cl.* 4, 382

**HARTINGTON, Right Hon. Marquess of, *New Radnor***

France and Germany—Representation of Her Majesty's Government, 793  
Increase of the Episcopate, 2R. 1083  
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Parliament—Public Business, 162, 168, 176, 397, 586, 926, 990  
Parliament—Debates, Publication of, and Exclusion of Strangers, 22; Res. 48, 89, 93, 1160, 1167  
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**HATHERLEY, Lord**  
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**HAVELOCK, Sir H. M., *Sunderland***

Army—Miscellaneous Questions  
Line and the Militia, 1131  
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Subaltern Substitutes, 584  
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Army Estimates—Militia Pay, 714  
Friendly Societies, Comm. *cl.* 8, Amendt. 1202  
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**HAY, Admiral Right Hon. Sir J. O. D., *Stamford***

Navy—Promotion and Retirement, Res. 1256, 1277, 1293  
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**HAYTER, Mr. A. D., *Bath***

Army—Clark's Model for Drill Instruction, 641  
Army Estimates—Militia Pay, 711  
House Occupiers Disqualification Removal, Comm. Amendt. 1688  
Parliamentary, &c. Elections—Law of Registration, 1811

**HENLEY, Right Hon. J. W., *Oxfordshire***

Friendly Societies, Comm. *cl.* 14, 1371; *cl.* 28, 1388  
Offences against the Person Act Amendment, 2R. 1875

**HENLEY, Right Hon. J. W.—*cont.***

Public Health, Comm. 878; *cl.* 16, 885; *cl.* 129, 893  
Sale of Food and Drugs, Comm. *cl.* 8, 197; *cl.* 9, 202; *cl.* 24, 597

**HENNIKER, Lord**

Agricultural Holdings (England), Report, *cl.* 6, 383; Amendt. 384  
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**HENRY, Mr. Mitchell, *Galway Co.***

Parliament—Debates, Publication of, and Exclusion of Strangers, Res. Amendt. 59, 90, 91, 1164  
Peace Preservation (Ireland), Comm. *cl.* 5, 30, 34, 39; Preamble, 193, 195; Consid. 403, 405; *cl.* 3, 426

**HERBERT, Mr. H. A., *Kerry Co.***

Increase of the Episcopate, 2R. Motion for Adjournment, 1083  
Peace Preservation (Ireland), Comm. *cl.* 5, 40

**HERMON, Mr. E., *Preston***

Friendly Societies, Comm. *cl.* 14, 1370; *cl.* 28, 1408  
Peace Preservation (Ireland), Comm. Preamble, 192  
Savings Banks, &c. Comm. 969

**HERSCHELL, Mr. F., *Durham***

Friendly Societies, Comm. *cl.* 11, 1254  
Offences against the Person, Consid. 435  
Parliament—Norwich New Writ, 1243  
Supply—Board of Trade, 1772  
Report, 1879  
Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1838

**HERTFORD, Marquess of (Lord Chamberlain)**

Birmingham (Corporation) Water, 2R. 1777

**HERVEY, Lord F., *Bury St. Edmunds***

Sale of Food and Drugs, Comm. *cl.* 24, 598; Amendt. 600; *cl.* 29, Amendt. 602

**HEYGATE, Mr. W. U., *Leicestershire, S.***

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Supply—Surveys of the United Kingdom, 769

**HICK, Mr. J., *Bolton***

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**High Court of Justiciary (Scotland) Bill**

(*Mr. Charles Cameron, Mr. Macdonald, Mr. Mackintosh, Mr. William Holmes*)

*c.* Bill withdrawn \* June 8

[Bill 13]

**Highways**

*Expenditure*, Question, Mr. Paget; Answer, Mr. Selater-Booth May 13, 581

*Turnpike Trusts—Repairing of Roads*, Question, Colonel Gilpin; Answer, Mr. Selater-Booth June 3, 1352

**HILL, Mr. A. Staveley, *Staffordshire, W.***  
Adulteration of Food Act—Beer, 469  
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**Hogg, Lt.-Colonel Sir J. M., *Truro***  
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**HOLKER, Sir J. (*see* SOLICITOR GENERAL  
The)**

**HOLMS, Mr. J., *Hackney***  
Army (Recruits), 675, 698  
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**HOLMS, Mr. W., *Paisley***  
Friendly Societies, Comm. 1190; cl. 10, Amendt.  
1247; cl. 11, Amendt. 1250, 1261; cl. 14,  
1369; Amendt. 1372, 1373; Amendt. 1375,  
1376; Amendt. 1379; Amendt. *ib.*; cl. 15,  
Amendt. 1381; cl. 23, Amendt. 1384; cl. 30,  
Amendt. 1411, 1412

**HOPE, Mr. A. J. Beresford, *Cambridge*  
*University***  
Bishopric of Saint Albans, 2R. 500; Consid.  
cl. 8, 780; cl. 11, Amendt. 781  
Increase of the Episcopate, 2R. 1071, 1083,  
1084  
Parliament—Debates, Publication of, and Ex-  
clusion of Strangers, 1147  
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in Parliament, 721

**HOPWOOD, Mr. C. H., *Stockport***  
Employers and Workmen, Leave, 1685  
Friendly Societies, Comm. cl. 28, 1988;  
Amendt. 1405, 1408  
Metropolis—New Courts of Justice—Court of  
Appeal, 1919  
Offences against the Person Act Amendment,  
2R. 1876  
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Supply—Privy Council and Subordinate De-  
partments, 1768  
Report, 1879  
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**HORSMAN, Right Hon. E., *Liskeard***  
Crosshill Burgh Extension, 3R. 1917  
Parliament—Debates, Publication of, and Ex-  
clusion of Strangers, 1149, 1151, 1152  
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**HOUGHTON, Lord**  
Church Patronage, Comm. 1203, 1218; cl. 12,  
1219; Report, 1397; 3R. 1467  
Geographical Exhibition at Paris, 1005, 1007  
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**House Occupiers Disqualification Re-  
moval Bill (*Sir H. Drummond Wolff,*  
*Sir Charles Legard, Sir Charles Russell,*  
*Mr. Callender, Mr. Ryder*)**

c. Motion for Leave (*Sir H. Drummond Wolff*  
*May 12, 529*; after short debate, Motion  
agreed to; Bill ordered; read 1° [Bill 164]  
Read 2° June 2  
Order for Committee read; Moved, "That Mr.  
Speaker do now leave the Chair" June 3,  
1888; Debate adjourned  
Debate resumed June 10, 1888  
Amendt. to leave out from "That," and add  
"this House will, upon this day three  
months, resolve itself into the said Com-  
mittee" (*Mr. Hayter*) v.; after short debate,  
Question put, "That the words, &c.;"  
A. 107, N. 20; M. 87  
Main Question proposed; Moved, "That the  
Debate be now adjourned" (*Mr. Dodds*);  
Question put, and negatived  
Main Question, "That Mr. Speaker, &c.," put,  
and agreed to; Committee; Report

**House Occupiers Disqualification Re-  
moval (Scotland) Bill**  
(*Dr. Cameron, Sir H. Drummond Wolff, Mr.*  
*Vans Agnew, Mr. Mackintosh*)

c. Ordered; read 1° June 14 [Bill 210]

**HUBBARD, Right Hon. J. G., *London***  
Increase of the Episcopate, 2R. 1083  
Local Authorities Loans, 2R. 608  
National Debt (Sinking Fund), Comm. Amendt.  
1522, 1535, 1536  
Savings Banks, &c. Comm. 962, 1485; cl. 5,  
1509; cl. 7, Amendt. 1514  
Ways and Means—Financial Statement, 343

**HUNT, Right Hon. G. W. (First Lord  
of the Admiralty), *Northampton-*  
*shire, N.***

**Navy—Miscellaneous Questions**  
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as Sergeant Instructors of Volunteers,  
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clusion of Strangers, 1158  
Ways and Means—Financial Statement, 337

**HUNTLY, Marquess of**  
Agricultural Holdings (England), Report, cl. 38,  
Amendt. 396

**INCHQUIN, Lord**

Landed Estates Act (Ireland) Amendment, 2R.  
1348  
Peace Preservation (Ireland), 2R. 578; 3R.  
638

**Increase of the Episcopate Bill [H.L.]**

(*Mr. Beresford Hope*)

c. Moved, "That the Bill be now read 2°"  
May 28, 1071

Amendt. to leave out "now," and add "upon  
this day three months" (*Sir William Har-  
court*); Question proposed, "That 'now,'  
&c.;" after short debate, Moved, "That the  
Debate be now adjourned" (*Mr. Waddy*);  
A. 42, N. 101; M. 59

Question again proposed, "That 'now,' &c.;"  
Moved, "That this House do now adjourn"  
(*Mr. Herbert*); after short debate, A. 37,  
N. 92; M. 55

Question again proposed, "That 'now,' &c.;"  
Moved, "That the Debate be now adjourned"  
(*Sir Charles Forster*); A. 36, N. 86; M. 50

Question again proposed, "That 'now,' &c.;"  
Moved, "That this House do now adjourn"  
(*Mr. Watkin Williams*); Motion withdrawn  
Question again proposed, "That 'now,' &c.;"  
debate adjourned

**INDIA****MISCELLANEOUS QUESTIONS**

*Baroda, The Gaiikwar of*, Question, Mr.  
Richard; Answer, Lord George Hamilton  
May 10, 394; Question, Mr. Sullivan;  
Answer, Lord George Hamilton May 25, 866  
*British Burma and Western China*, Question,  
Mr. Sampson Lloyd; Answer, Lord George  
Hamilton May 11, 474

*Burmah—Murder of Colonel Hamilton*, Ques-  
tion, Mr. Beach; Answer, Lord George  
Hamilton June 8, 1521

*China and Kashgar*, Question, Sir Charles W.  
Dilke; Answer, Lord George Hamilton  
May 24, 785

*Civil Servants of the North-West Provinces*,  
Question, Mr. Lowe; Answer, Lord George  
Hamilton May 24, 787

*Civil Service—Vacant Offices*, Question, Mr.  
Lowe; Answer, Lord George Hamilton  
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*Factory System*, Question, Mr. Anderson;  
Answer, Lord George Hamilton May 6, 158

*Nizam State Railway, Hyderabad*, Question,  
Sir George Campbell; Answer, Lord George  
Hamilton June 7, 1466; June 10, 1626

*Officers' Compensation—Report of the Select  
Committee*, Question, Mr. Kavanagh; An-  
swer, Lord George Hamilton June 10,  
1621

*Prince of Wales, Visit of H.R.H. the*, Ques-  
tion, Mr. Leith; Answer, Mr. Disraeli June 8,  
1356

*Torekler, Mr., Case of*, Observations, Mr. Agg-  
Gardner, Sir George Balfour; Reply, Lord  
George Hamilton June 11, 1740

**Industrial Savings Banks Bill**

(*Sir Edward Watkin, Mr. Sherriff, Mr.  
Knatchbull-Hugessen*)

c. Ordered; read 1° May 25 [Bill 185]

**Infanticide Bill**

(*Mr. Charley, Mr. Whitwell*)

c. Read 2°, after short debate May 12, 531  
[Bill 43]

Committee—R.P. June 11, 1772

**INGRAM, Mr. W. J., Boston**

Parliament—Norwich New Writ, 1242

**Inns of Court Bill [H.L.]**

(*The Lord Selborne*)

l. Presented; read 1°, after short debate May 4, 4  
Read 2° May 28 (No. 89)  
Committee \* June 8 (No. 140)  
Report \* June 11  
Read 3° June 14

**International Copyright Bill**

(*The Earl of Derby*)

l. Read 2° May 4, 3 (No. 73)  
Committee \*; Report May 7  
Read 3° May 10  
Royal Assent May 13 [38 Vict. c. 12]

**Intestates Widows and Children Act  
Extension Bill**

(*Mr. Earp, Mr. Cowen, Mr. Errington*)

c. Read 2° May 24 [Bill 132]  
Committee \*; Report May 25  
Read 3° May 28  
l. Read 1° (*The Lord Steward*) May 31 (No. 113)

**Intestates Widows and Children (Scot-  
land) Bill**

(*The Lord Advocate, Mr.  
Secretary Cross, Sir Henry Selwin-Ibbetson*)

c. Considered \* June 7 [Bill 109]  
Read 3° June 8  
l. Read 1° (*The Lord Meldrum*) June 10 (No. 143)

**Intoxicating Liquors (Sundays) Bill—  
Order**

Question, Mr. Fielden; Answer, Mr. Wilson  
June 1, 1235

**IRELAND****MISCELLANEOUS QUESTIONS**

*Alkali Act, 1863—Inspection of Chemical  
Works*, Question, Sir Arthur Guinness;  
Answer, Sir Michael Hicks-Beach May 11,  
475

*Apothecaries Hall—Licentiate*, Question, Mr.  
Lyon Playfair; Answer, Sir Michael Hicks-  
Beach June 14, 1807

*Customs—Out-door Officers*, Question, Mr.  
O'Shaughnessy; Answer, Mr. W. H. Smith  
May 10, 396

*Fishery Harbours and Stations—Ardglass*,  
Question, Lord Arthur Hill-Trevor; Answer,  
Sir Michael Hicks-Beach June 1, 1224

*Fisheries Inspectors—Report for 1874*, Ques-  
tion, Mr. Butt; Answer, Sir Michael Hicks-  
Beach June 14, 1808

*Jury System—Legislation*, Question, Sir Arthur  
Guinness; Answer, Sir Michael Hicks-  
Beach May 11, 474

*Lunatics*, Question, Mr. Moore; Answer, The  
Solicitor General for Ireland June 15, 1922

[cont.]



**IRELAND—cont.**

**National Monuments—Irish Church Act, Section 25**, Question, Mr. Bryan; Answer, Sir Michael Hicks-Beach *May 25, 1866*

**National School Teachers**, Question, Mr. Law; Answer, Sir Michael Hicks-Beach *June 3, 1853*

**Peace Preservation Act—Case of Patrick Casey**, Personal Explanation, Earl Spencer *May 7, 1810*

**Public Meetings—Meeting at Castlebar**, Question, Mr. O'Connor Power; Answer, Sir Michael Hicks-Beach *June 1, 1834*

**Salmon Fisheries (Ireland) Act—Definition of Boundaries**, Question, Mr. O'Connor Power; Answer, Sir Michael Hicks-Beach *May 11, 1876*

**Small Pox in Ireland**, Questions, Mr. Kirk, Mr. M'Laren; Answers, Sir Michael Hicks-Beach *June 11, 1712*

**Stamp Duties—Notices to Quit**, Question, Mr. Butt; Answer, The Chancellor of the Exchequer *June 4, 1402*

**Stipendiary Magistrates, Belfast**, Question, Mr. Biggar; Answer, Sir Michael Hicks-Beach *May 10, 1891*

**Union Rating and Jury Laws (Ireland)—Legislation**, Questions, Sir Joseph McKenna, Mr. R. Power; Answers, Sir Michael Hicks-Beach *June 3, 1855*

**Ireland—Land Tenure in Ireland**

Amendt. on Committee of Supply *June 11*, To leave out from "That," and add "an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to issue Her Royal Commission to such persons as Her Majesty may see fit to appoint, directing them to inquire into and report upon the operation and effect of the Act passed in 1870 to amend the Law relating to the occupation and ownership of land in Ireland, and more especially to ascertain, if necessary by local inquiries, whether and how far the provisions of that Act intended for such purpose have been effectual in giving increased security of tenure to the Irish tenants, and whether any and what obstacles have existed or do exist to prevent the operation of those provisions; and also to make like special inquiries and report as to the provisions of that Act introduced to facilitate the acquisition by the tenant of the absolute interest in his farm; and generally to inquire and report as to all matters connected with the tenure of land in Ireland which Her Majesty may see fit in Her wisdom to refer to them" (*Mr. Butt*) v., 1716; after debate, Question put, "That the words, &c.;" A. 108, N. 41; M. 67

**Ireland—Property of the late Church of Ireland**

Amendt. on Committee of Supply *May 28*, To leave out from "That," and add "an humble Address be presented to Her Majesty, for the appointment of a Royal Commission to inquire into the circumstances of the distribution and application of the property of the late Church of Ireland, particularly as regards

**Ireland—Property of the late Church of Ireland—cont.**

commutations and compositions, whether under proceedings of the Church Temporalities Commissioners, or of the representative body of the Irish Church" (*Mr. Edward Jenkins*) v., 1031; after debate, Question put, "That the words, &c.;" A. 148, N. 34; M. 114

**Ireland—Sanitary Officers**

Moved, "That there be laid before this House, Return of the names of Boards of Guardians of the Poor in Ireland who have objected to the appointment of sanitary officers in Ireland by sealed orders of the Local Government Board" (*The Viscount Lifford*) *June 4, 1895*; after short debate, Motion agreed to

**Italy—Tariff Treaties**

Question, Mr. Potter; Answer, Mr. Bourke *May 4, 18*

**JACKSON, Mr. H. M., Coventry**

European Assurance Society Arbitration, 2R. 1350

Land Titles and Transfer, Comm. 1929

Peace Preservation (Ireland), Comm. cl. 5, 40

Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1665

**JAMES, Sir H., Taunton**

Friendly Societies, Comm. cl. 12, 1255

Infanticide, 2R. 538

Peace Preservation (Ireland), Comm. cl. 5, 33

Sale of Food and Drugs, Comm. cl. 24, 597, 599, 600; cl. 25, 601

Supply—New Courts of Justice and Offices, 776  
Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1667, 1827, 1836

**JAMES, Mr. W. H., Gateshead**

Mercantile Marine—"Schiller," Loss of the, 1127

Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1668

**JENKINS, Mr. E., Dundee**

Copyright Acts, 393

Ireland, Property of the late Church of, Address for a Royal Commission, 1031, 1049, 1053

**JENKINSON, Sir G. S., Wiltshire, N.**

Importation of Cattle—Ill-treatment in Transit, 160

Metropolis—Thames Embankment—Hungerford Swimming Bath, 1236

Public Works Loan Acts Amendment, 2R. 841

Rating Act, 1874—Ratings of Land for Game, 920

**JERVIS, Colonel H. J. W., Harwich**

Army—British Troops in India, Res. 643, 646, 649

Indian Staff Corps—Royal Warrant, 1130

**JOHNSTONE, Sir H., *Scarborough***

Friendly Societies, Comm. *cl.* 11, 1250; *cl.* 14, 1871; *cl.* 27, 1385  
Public Health, Comm. 879; *cl.* 129, 891;  
*cl.* 188, 893

**Juries (Ireland) Bill** (*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach*)

*c.* Ordered; read 1<sup>o</sup> *June* 10 [Bill 206]

**Justices (Dublin) Bill** (*Mr. William Henry Smith, Sir Michael Hicks-Beach*)

*a.* Read 2<sup>o</sup> *May* 30 [Bill 171]

Committee<sup>\*</sup>; Report *May* 24

Read 3<sup>o</sup> *May* 27

*l.* Read 1<sup>o</sup> *May* 28 (No. 118)

Read 2<sup>o</sup> *June* 4

Committee<sup>\*</sup>; Report *June* 7

Read 3<sup>o</sup> *June* 8

Royal Assent *June* 14 [38 *Vict.* *c.* 20]

**Justices of the Peace Qualification Bill** [*H.L.*]

*c.* Read 1<sup>o</sup> *May* 4 [Bill 151]

**KARSLAKE, Sir J. B., *Huntingdon***

Land Titles and Transfer, Comm. 1931  
Supreme Court of Judicature Act (1873)  
Amendment (No. 2), 2R. 1649

**KAVANAGH, Mr. A. M., *Carlow Co.***

Army—Death of a Soldier from Alcohol—  
Carlow, 784

India Officers Compensation, Report, 1621

Landlord and Tenant (Ireland) Act (1870)  
Amendment, 2R. 1313

Peace Preservation (Ireland), *Consid. cl.* 3, 419

Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 121, 393

**KAY-SHUTTLEWORTH, Mr. U. J., *Hastings***

Agricultural Children Act, 158

**KENEALY, Dr. E. V., *Stoke-upon-Trent***

Contempt of Court, 1748

Parliament—Norwich New Writ, 1239, 1243

Triennial Parliaments, Motion for Leave, 1955

**KENNAWAY, Sir J. H., *Devonshire, E.***

Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 152

Ways and Means—Financial Statement, 245

**KIMBERLEY, Earl of**

Agricultural Holdings (England), Report, *cl.* 4, 382; *cl.* 6, Amendt. 383; 3R. 563

Artizans Dwellings, Comm. *cl.* 19, 1347

Pacific Islanders Protection, Comm. *add. cl.* 3

Poor Law, Res. 1801, 1802

Sale of Food and Drugs, Comm. *cl.* 9, 1898

**KINGSOOTE, Lieut.-Colonel R. N. F., *Gloucestershire, W.***

Dean Forest and Hundred of St. Briavels, 1819

**KINNAIRD, Hon. A. F., *Perth***

Education (Scotland) Act, Res. 914

Employers and Workmen, Leave, 1687

**KIRK, Mr. G. H., *Louth***

Land Tenure in Ireland, Res. 1723

Public Health—Small Pox in Ireland, 1712

**KNATCHBULL-HUGESSEN, Right Hon. E. H., *Sandwich***

Peace Preservation (Ireland), Comm. *cl.* 5, 30

Unreformed Borough Corporations, Motion for Papers, 1030

**KNIGHT, Mr. F. W., *Worcestershire, W.***

Crosshill Burgh Extension, 3R. 1907

Infanticide, 2R. 537

**KNIGHTLEY, Sir R., *Northamptonshire, S.***

Parliament—Debates, Publication of, and Exclusion of Strangers, Res. 91, 1144

**Labourers Cottages (Scotland) Bill**

(*Mr. Fordyce, Sir George Balfour, Mr. McCombie, Mr. Barclay, Mr. Kinnaird*)

*c.* 2R.; debate adjourned *June* 9, 1614 [Bill 39]

**Labour Laws—See title *Employers and Workmen Bill*****LAING, Mr. S., *Orkney, &c.***

Ways and Means—Financial Statement, 340

**Landed Estates Act (Ireland) Amendment Bill** [*H.L.*] (*The Lord O'Hagan*)

*l.* Presented; read 1<sup>o</sup> *May* 10 (No. 97)

Read 2<sup>o</sup>, after short debate *June* 3, 1348

Committee<sup>\*</sup> *June* 10

Report<sup>\*</sup> *June* 14

**Landlord and Tenant (Ireland) Act (1870) Amendment Bill**

(*Mr. Crawford, Mr. Richard Smyth, Mr. Thomas Dickson, Mr. Macartney*) [Bill 35]

*c.* Moved, "That the Bill be now read 2<sup>o</sup>" *June* 2, 1295

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Gibson*); after long debate, Question put, "That 'now,' &c.," A. 151, N. 301; M. 150

Main Question, as amended, put, and agreed to; 2R. put off for three months

**Land Titles and Transfer Bill** [*H.L.*]

(*Mr. Attorney General*)

*c.* Read 2<sup>o</sup>, after short debate *May* 10, 434

[Bill 105]

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" (*Mr. Attorney General*) *June* 4, 1414

Amendt. to leave out from "That," and add "this House, while fully alive to the expediency of making the title to land more uniform and its transfer more simple, cheap, and

[*cont.*]

*Land Titles and Transfer Bill*—cont.

expeditions, is of opinion that this Bill will not effectually carry out those objects" (*Mr. Osborne Morgan*) v.; Question proposed, "That the words, &c.;" after short debate, Debate adjourned  
Debate resumed *June 15, 1924*; after debate, Amendt. withdrawn  
Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—*r.p.*

*Land Titles and Transfer [Salaries, &c.]*

Considered in Committee *May 25, 1917*; Resolution agreed to

**LANSDOWNE, Marquess of**

Army, Efficiency of the, 1119  
Falsification of Accounts, 2R. 1004  
Pollution of Rivers, 2R. 547  
Regimental Exchanges, 2R. 262, 281, 1203  
Sale of Food and Drugs, Comm. cl. 29, 1899

*Law and Justice*

*Circuits of the Judges*, Question, Mr. Waddy; Answer, The Attorney General *June 15, 1923*  
*Froms Magistrates*, Question, Mr. Wait; Answer, Mr. Assheton Cross *May 4, 20*  
*Magistrates, Appointment of, Exeter*, Question, Sir Edward Watkin; Answer, Mr. Assheton Cross *May 10, 391*  
*Public Prosecutors—Legislation*, Question, Mr. Dundas; Answer, Mr. Assheton Cross *May 10, 392*  
*Serjeants at Law*, Question, Sir George Bowyer; Answer, The Attorney General *May 4, 19*

*The Queen v. Castro*

Personal Explanation (*Mr. Whalley*) *May 4, 23*  
*Conduct of the Lord Chief Justice*, Question, Observations, Mr. Whalley; Reply, Mr. Assheton Cross *May 28, 1067*  
*Contempt of Court*, Question, Mr. Whalley; Answer, Mr. Assheton Cross *May 8, 163*; Question, Observations, Mr. Whalley; Reply, Sir Henry Selwin-Ibbetson *May 13, 585*; Question, Mr. Whalley; Answer, Mr. Assheton Cross *May 28, 1008*; Observations, Mr. Whalley; Reply, The Attorney General; debate thereon *June 11, 1742*  
*The Trial at Bar—The Debate of April 23*, Personal Explanation, Mr. Whalley; Reply, Sir Robert Peel *May 6, 175*  
[See title *Criminal Law*]

*Worthing Magistrates*, Question, Mr. P. A. Taylor; Answer, Mr. Assheton Cross *May 7, 288*

**LAW, Right Hon. H., Londonderry Co.**

Army—Dublin Militia Depôts, 1063  
Coroners (Ireland), 2R. 518  
Ireland, Property of the late Church of, Address for a Royal Commission, 1055  
Landlord and Tenant (Ireland) Act (1870) Amendment, 2R. 1315  
National School Teachers (Ireland), 1858  
Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1845

**LAWSON, Sir W., Carlisle**

Customs and Inland Revenue, Comm. Amendt. 928, 935  
Parliament—Derby Day, 476, 796, 867  
Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 139  
Security of the Person, Leave, 209

**LEEMAN, Mr. G., York**

Friendly Societies, Comm. cl. 12, Amendt. 1255

**LEFEVRE, Mr. G. J. Shaw, Reading**

Offences against the Person Act Amendment, 2R. 1871  
Supply—British Museum Buildings, 766  
Rates on Government Property, 772, 773  
Repair of Public Buildings, 762

**LEIGH, Lieut.-Colonel Egerton, Cheshire, Mid**

Offences against the Person Act Amendment, 2R. 1869

**LEITH, Mr. J. F., Aberdeen**

Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1849  
Towns Rating (Ireland), 2R. 629  
Wales, Prince of—Visit of H.R.H. to India, 1521

**LEITRIM, Earl of**

Sligo, Leitrim, and Northern Counties Railway—Preference Stock, Comm. 995

**LENNOX, Lord H. G. C. G. (First Commissioner of Works), Chichester**

Epping Forest Act—Report of Commissioners, 924  
Metropolis—Explosion in Regent's Park, 924  
New Courts of Justice—Court of Appeal, 1919  
Thames Embankment—Hungerford Swimming Bath, 1236  
Ordnance Survey, Denbighshire, 1918  
Supply—British Museum Buildings, 766  
Furniture of Public Offices, 764  
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Houses of Parliament, 764, 765  
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Natural History Museum, 775  
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Parks and Gardens, 760, 761  
Repair of Public Buildings, 763  
Royal Palaces, 758, 759  
Science and Art Department, 767  
Surveys of the United Kingdom, 769  
Wellington Monument, 775

**LEWIS, Mr. C. E., Londonderry**

Coroners (Ireland), 2R. 525  
European Assurance Society Arbitration, 2R. 1351  
Foreign Office—Queen's Messenger, Alleged Robbery of, 792  
Parliament—Business of the House, 990  
Peace Preservation (Ireland), 3R. 479  
Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 149

*Licensing Act, 1872—Transfer of Licences*  
Question, Mr. Joshua Fielden; Answer, Mr. Ascheton Cross June 3, 1851

**LIFFORD, Viscount**  
Sanitary Officers (Ireland), Motion for a Return, 1895, 1897

**LINDSAY, Colonel R. J. Loyd, Berkshire Army (Recruits), 681**

**Linen, Hempen, and other Manufactures (Ireland) Bill**

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

c. Ordered; read 1<sup>o</sup> May 27 [Bill 190]

**LLOYD, Mr. M., Beaumaris**  
Compensation for Accidents to Workmen, Leave, 916  
Friendly Societies, Comm. cl. 11, Amendt. 1250  
Infanticide, 2R. Amendt. 534, 535; Comm. cl. 2, 1773; cl. 3, Amendt. ib.  
Land Titles and Transfer, Comm. 1927  
Savings Banks, &c. Comm. cl. 5, 1513  
Supply—Rates on Government Property, 773  
Surveys of the United Kingdom, 768  
Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1663

**LLOYD, Mr. S. S., Plymouth**  
Army—Religious Processions, 1623  
Commerce and Agriculture, Department of, Res. 723  
India—British Burmah and Western China, 474

**Local Authorities Loans Bill**

(*Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

c. Read 2<sup>o</sup>, after debate May 13, 605 [Bill 123]  
Order for Committee read May 22, 991  
Moved, "That this House will, To-morrow, resolve itself into the said Committee"  
Amendt. to leave out "To-morrow," and insert "upon Monday next" (*Mr. Fawcett*) v.;  
Question proposed, "That 'To-morrow,' &c.;" after short debate, Amendt. withdrawn  
Main Question put, and agreed to; Committee deferred

**Local Government Board (Ireland) Provisional Order Confirmation (No. 2) Bill [H.L.]** (*The Lord President*)

l. Presented; read 1<sup>o</sup>, and referred to the Examiners June 11 (No. 148)

**Local Government Board's Poor Law Provisional Orders Confirmation (Oxford, &c.) Bill [H.L.]**

(*The Earl of Jersey*)

l. Presented; read 1<sup>o</sup>, and referred to the Examiners June 14 (No. 150)

**Local Government Board's Provisional Orders Confirmation Bill**

(*The Lord Walsingham*)

l. Committee<sup>o</sup>; Report May 4 (No. 53)  
Read 3<sup>o</sup> May 7  
Royal Assent May 13 [38 Vict. c. 10]

**Local Government Board's Provisional Orders Confirmation (No. 2) Bill**

(*The Lord President*)

l. Read 1<sup>o</sup> May 4 (No. 87)  
Read 2<sup>o</sup> June 3

**Local Government Board's Provisional Orders Confirmation (No. 3) Bill**

(*Mr. Clare Read, Mr. Solater-Booth*)

c. Ordered; read 1<sup>o</sup> May 12 [Bill 165]  
Read 2<sup>o</sup> May 20  
Committee<sup>o</sup>; Report June 1  
Read 3<sup>o</sup> June 2  
l. Read 1<sup>o</sup> (*The Earl of Jersey*) June 3  
Read 2<sup>o</sup> June 11 (No. 127)  
Committee<sup>o</sup>; Report June 14

**Local Government Board's Provisional Orders Confirmation (Aberdare, &c.) Bill [H.L.]** (*The Lord President*)

l. Presented; read 1<sup>o</sup>, and referred to the Examiners June 4 (No. 123)

**Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Bill [H.L.]** (*The Lord President*)

l. Presented; read 1<sup>o</sup>, and referred to the Examiners June 11 (No. 147)

**Local Government Board's Provisional Orders Confirmation (Abingdon, Barnsley, &c.) Bill [H.L.]**

(*The Earl of Jersey*)

l. Presented; read 1<sup>o</sup>, and referred to the Examiners June 14 (No. 151)

**Local Government Board's Provisional Orders Confirmation (Bromley, &c.) Bill [H.L.]** (*The Earl of Jersey*)

l. Presented; read 1<sup>o</sup>, and referred to the Examiners June 14 (No. 149)

**LOCKE, Mr. J., Southwark**

Metropolis Gas Companies, 2R. 626  
Parliament—Whitsuntide Recess, 592

**LONDON, Bishop of**

Chimney Sweepers, 2R. 448  
Church Patronage, Comm. 1207

**LOPES, Mr. H. C., Frome**

Friendly Societies, Comm. cl. 15, Amendt. 1380  
Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1663

**LOWE, Right Hon. R., *London University***

India—Civil Servants of the North-West Provinces, 787, 788  
 Indian Civil Service, 1462  
 National Debt (Sinking Fund), Comm. 1541  
 Parliament—Public Business, 154, 1627  
 Parliament—Debates, Publication of, and Exclusion of Strangers, Res. 83  
 Savings Banks, &c. Comm. 977, 978; *Pre-amble*, 989, 1492, 1493; *cl.* 5, 1506  
 Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1818  
 Ways and Means—Financial Statement, 329

**LOWTHER, Mr. J. (Under Secretary of State for the Colonies), *York City***

Cape Colony—Griqualand, Disturbances in, 794; —South African Diamond Fields, 1460  
 Dominion of Canada—Pauper Children, Immigration of, 1813  
 Pardon, Prerogative of, 289  
 South Africa—Froude, Mr., 924

**LOWTHER, Mr. W., *Westmoreland***  
 Crosshill Burgh Extension, 3R. 1912

**LUBBOCK, Sir J., *Maidstone***

Medical Acts Amendment (College of Surgeons), Comm. 1561  
 Savings Banks, &c. Comm. 1496  
 Supply—Board of Trade, 1768, 1771  
 Ways and Means—Financial Statement, 344

**Lunatic Asylums (Ireland) Bill**

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

*c.* Ordered; read 1<sup>o</sup> \* May 27 [Bill 189]  
 Read 2<sup>o</sup> \* June 7

**LURGAN, Lord**

Sanitary Officers (Ireland), Motion for a Return, 1396

**LUSH, Dr. J. A., *Salisbury***

Public Health, Comm. 879  
 Sale of Food and Drugs, Comm. *cl.* 21, 513  
 Supply—Privy Council and Subordinate Departments, 1766  
 Royal Palaces, 758

**LUSK, Sir A., *Finsbury***

Friendly Societies, Comm. *cl.* 14, 1365, 1370, 1373, 1376, 1379  
 Public Health, Comm. *cl.* 89, 891; *cl.* 168, 894  
 Sale of Food and Drugs, Comm. *cl.* 9, 207; *cl.* 25, 601

**LYTTLETON, Lord**

Bishopric of Saint Albans, 2R. 1890  
 Offences against the Person, 2R. 1519  
 Poor Law, Res. \* 1778, 1806

**MCARTHUR, Mr. A., *Leicester***  
 South Africa—Delagoa Bay, 392  
 Froude, Mr., 923

**MCARTHUR, Mr. Alderman W., *Lambeth***  
 East India Revenue Accounts—Financial Statement, 584

**MACCARTHY, Mr. J. G., *Mallow***  
 Peace Preservation (Ireland), 3R. 488

**MACARTNEY, Mr. J. W. E., *Tyrone***

Coroners (Ireland), 2R. 516  
 Ireland, Property of the late Church of, Address for a Royal Commission, 1047  
 Landlord and Tenant (Ireland) Act (1870) Amendment, 2R. 1312, 1329  
 Peace Preservation (Ireland), Comm. *cl.* 5, 34, 35  
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**MACDONALD, Mr. A., *Stafford***

Coal Mines—Bunker's Hill, Colliery Explosion at, 289, 1714  
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 Employers and Workmen, Leave, 1687  
 Friendly Societies, Comm. *cl.* 8, Amendt. 1202; *cl.* 11, 1254; Amendt. 1255; *cl.* 14, 1377; Amendt. 1378, 1379; *cl.* 16, Amendt. 1381; *cl.* 20, Amendt. 1382; *cl.* 21, Amendt. 1383; *cl.* 28, 1409; *cl.* 33, Amendt. 1413  
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 Supply—Board of Trade, 1769, 1770  
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**MACGREGOR, Mr. D. R., *Leith, &c.***

Customs and Inland Revenue, Comm. *cl.* 9, Amendt. 935  
 Supply—Board of Trade, 1770

**MAC IVER, Mr. D., *Birkenhead***

Merchant Shipping Acts Amendment, 1294  
 Public Health, Comm. *cl.* 60, 888

**McKENNA, Sir J. N., *Youghal***

Army—Dublin Militia Depôts, 1064  
 Cape of Good Hope—South African Diamond Fields, 1460  
 Peace Preservation (Ireland), Comm. *cl.* 5, 183; *Consid.* *cl.* 3, 433, 434  
 Post Office Savings Banks, 1134  
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**McLAREN, Mr. D., *Edinburgh***

Education (Scotland) Act, Res. 906  
 Friendly Societies, Comm. *cl.* 14, 1368  
 Public Health—Small Pox in Ireland, 1713  
 Savings Banks, &c. Comm. 1491, 1499; *cl.* 4, 1503; *cl.* 5, 1511



**MAKINS**, Lieut.-Colonel W. T., *Essex, S.*  
Bishopric of Saint Albans, 2R. 505

**MALMESBURY**, Earl of (Lord Privy Seal)  
Agricultural Holdings (England), 3R. 568

**MANCHESTER**, Duke of  
Sligo, Leitrim, and Northern Counties Rail-  
way—Preference Stock, Comm. 996

**MANNERS**, Right Hon. Lord J. J. R.  
(Postmaster General), *Leicester-*  
*shire, N.*

Mercantile Marine—Lighthouses—Telegraphic  
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**MARLING**, Mr. S. S., *Stroud*  
Crosshill Burgh Extension, 3R. 1915

*Married Women's Acknowledgments, Re-*  
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Questions, Mr. Salt, Mr. Childers; Answers,  
Sir Henry Selwin-Ibbetson, Mr. W. H.  
Smith *May* 13, 580

**MARTEN**, Mr. A. G., *Cambridge*

Coroners (Ireland), 2R. 519

County Courts, 2R. 1516

Friendly Societies, Comm. *cl.* 14, 1872, 1374,  
1375

Offences against the Person, Consid. Amendt.  
435

Supreme Court of Judicature Act (1873)  
Amendment (No. 2), 2R. 1847

**MARTIN**, Mr. P. W., *Rochester*

Peace Preservation (Ireland), Consid. *cl.* 3,  
417

Sale of Food and Drugs, Comm. *cl.* 9, 199,  
205, 206

**Matrimonial Causes and Marriage Law**  
(Ireland) Bill (Mr. Gibson, Mr. Bruen,  
Mr. Mulholland, Mr. Macartney)

*c.* Considered \* *May* 13 [Bill 79]

Read 3° \* *May* 25

*l.* Read 1° \* (Lord Inchiquin) *May* 28 (No. 117)

**MAXWELL**, Sir W. STIRLING- *Perth-*  
*shire*

Education (Scotland) Act, Res. 894, 915

**Maynooth College Bill**

(The O'Connor Don, Mr. Kavanagh, Mr. Law,  
Captain Nolan)

*c.* Ordered; read 1° \* *June* 3 [Bill 194]

**Medical Act Amendment (College of**  
**Surgeons) Bill**

(Sir John Lubbock, Dr. Lush)

*c.* Order for Committee read; Moved, "That Mr.  
Speaker do now leave the Chair" *June* 8,  
1860; after short debate, Debate adjourned  
Debate resumed *June* 15, 1937; after short  
debate, Question put, and agreed to; Com-  
mittee; Report [Bill 100]

**Medical Education, Council of—Medical**  
**Diplomas**

Question, Mr. Waddy; Answer, Viscount  
Sandon *May* 11, 470

**MELDON**, Mr. C. H., *Kildare*

Army—Dublin Militia Depôts, 1062

European Assurance Society Arbitration, 2R.  
1351

Friendly Societies, Comm. *cl.* 10, Amendt.  
1245, 1246; Amendt. 1248, 1249; Amendt.  
*ib.*; Amendt. 1254; *cl.* 12, Amendt. 1255;  
*cl.* 14, 1371, 1374; *cl.* 21, 1382; *cl.* 22,  
Amendt. 1388; *cl.* 23, Amendt. 1384; *cl.* 31,  
Amendt. 1413

Land Tenure in Ireland, Res. 1739

Parliament—Privilege—Fictitious Signatures,  
1135

Peace Preservation (Ireland), Comm. *add. cl.*  
188, 189

Sale of Intoxicating Liquors on Sunday (Ire-  
land), 1135

Spain—Civil War, Res. 48

**MELLOR**, Mr. T. W., *Ashton-under-Lyne*

Friendly Societies, Comm. *cl.* 28, 1406

Sale of Intoxicating Liquors on Sunday (Ire-  
land), 1778

Supply—Royal Palaces, 758

**Mercantile Marine**

*Fog Signals—Loss of the "Schiller,"* Question,  
Mr. W. H. James; Answer, Sir Charles  
Adderley *May* 31, 1127

*Lighthouses — Telegraphic Communication,*  
Question, Mr. A. P. Vivian; Answer, Lord  
John Manners *May* 31, 1128; Explanation,  
Lord John Manners *June* 4, 1404

*Seagoing Ships,* Question, Mr. Plimsoll;  
Answer, Sir Charles Adderley *May* 31, 1129

*Wreck Register 1874 and 1875,* Question, Mr.  
Plimsoll; Answer, Sir Charles Adderley  
*May* 31, 1129

**Merchant Shipping Act, 1854—Pilots**  
**Fund**

Question, Mr. Ashley; Answer, Sir Charles  
Adderley *June* 3, 1352

**Merchant Shipping Acts Amendment Bill**

*Merchant Shipping Legislation,* Question, Mr.  
Gourley; Answer, Mr. Disraeli *June* 14,  
1811

*Petition Presented,* Observations, Mr. Mac Iver  
*June* 2, 1294

**Metalliferous Mines Bill***(Sir Henry Selwin-Ibbetson, Mr. Secretary Cross)*c. Read 2<sup>o</sup> \* May 6 [Bill 120]

Committee \*; Report May 10

Considered \* May 13

Read 3<sup>o</sup> \* May 20l. Read 1<sup>a</sup> \* (*The Lord Steward*) May 28Read 2<sup>a</sup> \* June 16 (No. 106)**METROPOLIS****MISCELLANEOUS QUESTIONS***Bridges*, Question, Sir James Hogg; Answer, The Chancellor of the Exchequer May 13, 582*Cab Fares*, Question, Sir Patrick O'Brien; Answer, Mr. Assheton Cross May 24, 786*Courts of Justice, New—Court of Appeal*, Question, Mr. Hopwood; Answer, Lord Henry Lennox June 15, 1919*Explosion in the Regent's Park*, Question, Sir Thomas Chambers; Answer, Lord Henry Lennox May 27, 924*Hungerford Swimming Bath—Thames Embankment*, Question, Sir George Jenkinson; Answer, Lord Henry Lennox June 1, 1236*Hyde Park Corner*, Question, Lord Ernest Bruce; Answer, Lord Henry Lennox June 7, 1461*London Theatres—Provision in Case of Fire*, Observations, Sir William Fraser; Reply, Mr. Assheton Cross May 21, 742*Musical Performances on Good Friday—The Lord Chamberlain's Licences*, Question, Mr. P. A. Taylor; Answer, Mr. Assheton Cross May 11, 468*Police—Sick or Drunken Persons*, Observations, Sir William Fraser; Reply, Sir Henry Selwin-Ibbetson May 28, 1064*Poor Rates—Collection of Rates—St. John's, Hampstead*, Question, Colonel Beresford; Answer, Mr. Selater-Booth May 31, 1128*Thames Embankment—The National Opera House*, Question, Colonel Beresford; Answer, Sir James Hogg May 24, 790; June 7, 1464**Metropolis Gas Companies Bill** [Bill 82]*(Sir James Hogg, Sir Andrew Lusk, Mr.**Goldney, Mr. John Holms)*c. Moved, "That the Bill be now read 2<sup>o</sup>" May 13, 611Amendt. to leave out "now," and add "upon this day six months" (*Mr. Young*); Question proposed, "That 'now,' &c.;" after short debate, Moved, "That the Debate be now adjourned" (*Mr. Richard Smyth*); Question put; A. 37, N. 147; M. 110Original Question put; A. 132, N. 57; M. 75; Bill read 2<sup>o</sup>, and committed to a Select Committee

Select Committee nominated May 24

**Metropolis Local Management Acts Amendment Bill** (*Mr. Boord, Sir Charles Mills, Mr. Coops, Mr. Gordon*)

c. Report \* May 6 [Bill 153]

Committee \* (*on re-comm.*); Report June 2

Re-comm. \* June 8

Considered \* June 9

Read 3<sup>o</sup> \* June 10l. Read 1<sup>a</sup> \* (*Lord Hartismere*) June 11 (No. 145)**Metropolitan Police (Surgeon, Clerk, &c. Superannuation) Bill***(Sir Henry Selwin-Ibbetson, Mr. Secretary Cross)*c. Ordered; read 1<sup>o</sup> \* May 13 [Bill 172]Read 2<sup>o</sup> \* May 27

Committee \*; Report May 31

**Metropolitan Poor Act—Hampstead Fever and Small Pox Hospital**Moved, "That a Select Committee be appointed to inquire into and report upon the Clauses of the Metropolitan Poor Act (30 Vic. c. 6), giving powers to the managers of asylums to take, hold, and dispose of lands and other property for the purposes of the Act" (*Mr. Coops*) June 15, 1938Amendt. to add, at end, "and the said Committee shall specially report whether any new general hospital for infectious diseases in the metropolis is desirable or necessary" (*Mr. Torrens*); after short debate, Question, "That those words be there added," put, and negatived; original Motion withdrawnMoved, "That a Select Committee be appointed to inquire into and report upon the action of the Metropolitan Asylums Board in respect of the establishment of a Fever and Small Pox Hospital at Hampstead" (*Mr. Coops*), 1954; Motion agreed to; List of the Committee, 1955**MIDDLETON, Viscount**

Bishopric of Saint Albans, 2R. 1885

Church Patronage, 3R. 1452

**Military Manœuvres Bill** (*Mr. Secretary**Hardy, Mr. Stanley, Lord Eustace Cecil*)c. Ordered; read 1<sup>o</sup> \* May 12 [Bill 166]Read 2<sup>o</sup> \* May 20

Committee \* May 21

Report \* May 24

Considered \* May 25

Read 3<sup>o</sup> \* May 27l. Read 1<sup>a</sup> \* (*Earl Cadogan*) May 28 (No. 115)Read 2<sup>a</sup> \* May 31

Committee \*; Report June 1

Read 3<sup>a</sup> \* June 3

Royal Assent June 14 [38 Vict. c. 34]

**Militia Laws Consolidation and Amendment Bill** (*Mr. Secretary Hardy, The**Judge Advocate, Mr. Stanley*)c. Ordered; read 1<sup>o</sup> \* May 10 [Bill 160]Read 2<sup>o</sup> \* May 27

Committee \*; Report June 10

**MILLS, Mr. A., Exeter**

Elementary Education (Compulsory Attendance), 2R. 1597

Public Health, Comm. cl. 89, 890

**Mines Inspectors' Reports for 1874**

Question, Mr. Macdonald; Answer, Mr.

Assheton Cross June 4, 1402

*Mines Regulation Act, 1872—Accident at Saltwell's Colliery*  
Question, Mr. H. B. Sheridan; Answer, Sir Henry Selwin-Ibbetson *May 27, 1919*  
[See title *Coal Mines*]

MINTO, Earl of  
Teinds (Scotland), 2R. 371, 373

MONK, Mr. C. J., *Gloucester City*  
Bishopric of Saint Albans, 2R. 505; Consid. cl. 8, Amendt. 777  
Customs and Inland Revenue, Comm. 928  
Elementary Education (Compulsory Attendance), 2R. 1610  
Offences against the Person, Consid. 435  
Supply—Board of Trade, 1768, 1769  
Houses of Parliament, 764  
Parks and Gardens, 761  
Repair of Public Buildings, 763

MONTAGU, Right Hon. Lord R., *Westmeath*  
Employers and Workmen, Leave, 1681, 1685  
Peace Preservation (Ireland), Comm. cl. 5, 35, 38; Amendt. 179, 181; Preamble, Amendt. 192; 3R. 483; Amendt. 489

MONTEAGLE, Lord  
Artizans Dwellings, Comm. cl. 4, Amendt. 1342

MOORE, Mr. A. J., *Clonmel*  
Lunatics (Ireland), 1922  
Peace Preservation (Ireland), 3R. 482  
Post Office—Irish Mails—Delay at Limerick Junction, 1008

MORGAN, Mr. G. Osborne, *Denbighshire*  
Land Titles and Transfer, 2R. 434; Comm. Amendt.\* 1417, 1934  
Ordinance Survey—Denbighshire, 1918  
Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1653

MORLEY, Earl of  
Agricultural Holdings (England), Report, cl. 4, 380; cl. 16, 385  
Pollution of Rivers, 2R. 544  
Sale of Food and Drugs, 2R. 1451; Comm. cl. 3, Amendt. 1894; cl. 5, 1896; cl. 9, Amendt. *ib.*, 1897  
Sligo, Leitrim, and Northern Counties Railway—Preference Stock, Comm. 994

MOWBRAY, Right Hon. J. R., *Oxford University*  
Increase of the Episcopate, 2R. 1084

MULHOLLAND, Mr. J., *Downpatrick*  
Ireland, Property of the late Church of, Address for a Royal Commission, 1043  
Towns Rating (Ireland), 2R. 541

MUNDELLA, Mr. A. J., *Sheffield*  
Criminal Law—Prison Rules—Cabinet Makers, 1134  
Elementary Education (Compulsory Attendance), 2R. 1583, 1586, 1587  
Offences against the Person Act Amendment, 2R. 1878  
Parliament—Public Business, 1630  
Peace Preservation (Ireland), Comm. cl. 5, Amendt. 36  
Sale of Food and Drugs, Comm. cl. 7, 196; cl. 9, 203; cl. 24, 596, 598; Consid. cl. 5, 782  
Supply—Rates on Government Property, 773

#### *Municipal Corporations—5 & 6 Will. IV. c. 76*

Amendt. on Committee of Supply *May 28*, To leave out from "That," and add "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a List of Municipal Corporations (England and Wales) which are not incorporated under the Act 5 and 6 Will. 4, c. 76, showing with respect to each, in a tabular form, the amount of the revenue at the date of inquiry held in 1835:

"Copies of the Petition of the inhabitants of Woodstock to Her Majesty in Council in 1867:

"Of any Correspondence between the chief constable of Oxfordshire and inhabitants of Woodstock relating to charges made in 1874 or 1875 against the landlord of the 'King's Arms' at Woodstock for breaches of the Licensing Act, which charges resulted in the conviction of the said landlord, then and now Mayor of Woodstock, on January 18, 1875, for the said offence:

"And, of the Petition of the inhabitants of New Romney to Her Majesty in Council in 1869" (*Sir Charles W. Dilke v.*, 1009; Question proposed, "That the words, &c.," after short debate, Amendt. withdrawn

#### *Municipal Elections Bill*

(*The Marquess of Ripon*)

1. Read 2<sup>a</sup> \* *June 14* (No. 83)

#### *Municipality of London Bill*

(*Lord Elcho, Mr. Kay-Shuttleworth, Mr. Staveley Hill*)

c. Bill withdrawn \* *May 13* [Bill 61]

#### *MUNTZ, Mr. P. H., Birmingham*

Friendly Societies, Comm. cl. 11, 1251; cl. 14, 1367; cl. 28, 1408

Prison Regulations—Hair Cutting, 738

Public Health, Comm. cl. 16, Amendt. 885; Consid. cl. 89, 1362

Sale of Food and Drugs, Comm. cl. 21, Amendt. 510, 512; cl. 24, 597; cl. 29, 602

Savings Banks, &c. Comm. 969; cl. 4, Amendt. 1503, 1504

**MURE, Colonel W., *Ronfreu***

Army—Foot Guards and the Line Regiments, 1468

Recruits, 705

Crosshill Burgh Extension, 3R. 1914

Parliament—Debates, Publication of, and Exclusion of Strangers, 1141

Public Business, 593

**MURPHY, Mr. N. D., *Cork City***

Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 151

**NAGHTEN, Mr. A. R., *Winchester***

Army—Staff Sergeants of Militia, 791

Army Estimates—Militia Pay, 711

**NAPIER AND ETTRICK, Lord**

Artizans Dwellings, 2R. 460; Comm. cl. 2, 1341; cl. 8, Amendt. 1343, 1345

**National Debt (*Scheme for Reduction*)**

Returns ordered, "showing the action of a scheme for the reduction of the National Debt by the Annual Conversion of Permanent Annuities into a 10 years' annuity of £500,000; the rate of interest being assumed at 3 per cent. and the purchase of 3 per cent. Funded Debt at par:"

"And, showing the increased annual charge, and consequent reduction of Debt, resulting from the operation of the scheme" (*Mr. Hubbard*) May 7

**National Debt (Sinking Fund) Bill**

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

c. Read 2<sup>o</sup> May 13 [Bill 142]

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" June 8, 1522

Amendt. to leave out from "That," and add "as reduction of debt implies taxation in excess of the requirements of the State for the services of the year, the pressure of the debt upon the taxpayer should be diminished to the extent of the interest saved upon the amount of debt previously redeemed" (*Mr. Hubbard*) v.; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee; Report

**National Gallery—Purchase of a Picture by Solario**

Question, Lord Eloho; Answer, Mr. Disraeli May 10, 397

**NAVY**

**MISCELLANEOUS QUESTIONS**

*Dockyard Servants—The Regulations*, Question, Mr. Gorst; Answer, Mr. Hunt May 24, 786

*H.M.S. "Captain," Loss of*, Question, Captain Pim; Answer, Mr. Hunt May 31, 1132

**NAVY—cont.**

*H.M.S. "Devastation,"* Question, Lord Randolph Churchill; Answer, Mr. Hunt June 4, 1404

*H.M. Yacht "Osborne,"* Question, Captain Pim; Answer, Mr. Hunt May 6, 161

*Naval College—Weymouth,* Question, Mr. Edwards; Answer, Mr. Hunt June 3, 1351

*Navy Medical Service—Surgeons,* Question, Mr. O'Leary; Answer, Mr. Hunt May 10, 396

*Non-Commissioned Officers of Royal Marines as Sergeant Instructors of Volunteers,* Question, Mr. Gorst; Answer, Mr. Hunt June 14, 1808

*Prince of Wales, Visit of H.R.H. the, to India,* Question, Admiral Egerton; Answer, Mr. Hunt June 8, 1521

*Rule of the Road at Sea, Resolution,* Sir John Hay June 8, 1561 [House counted out]

*Widows and Children of Sailors and Marines,* Question, Sir William Edmonstone; Answer, Mr. Hunt May 13, 579

**Navy Promotion and Retirement**

Moved, "That the present system of Retirement of Officers in Her Majesty's Navy, whilst continuously adding to the charge for ineffective Officers, has failed to give a due flow of promotion" (*Sir John Hay*) June 1, 1256

Amendt. to leave out from "Navy," and add "under the Order in Council of the 22nd day of February 1870, and of subsequent dates, has been inevitably hampered in its operation by the great reductions which it has been deemed necessary to make in the number of officers of all ranks; and that until the effect of those reductions has passed away, some of the special provisions of the Orders in Council require amendment or extension" (*Mr. Hanbury Tracy*) v.; Question proposed, "That the words, &c.;" after debate, Amendt. and Motion withdrawn

**NELSON, Earl**

Church Patronage, 3R. 1454

**NEVILL, Mr. C. W., *Carmarthen, &c.***

Peace Preservation (Ireland), Comm. cl. 5, 40

**NEVILLE-GRENVILLE, Mr. R., *Somersetshire, Mid***

Bishopric of Saint Albans, Comm. cl. 9, 605

Established Church—Colleges of Minor Canons, 389, 390

Ways and Means—Financial Statement, 366

**NEWDEGATE, Mr. O. N., *Warwickshire, N.***

Elementary Education (Compulsory Attendance), 2R. 1590

Parliament—Count-out, 1562

Public Business, 174, 589, 718, 927, 1009, 1467, 1637

Parliament—Debates, Publication of, and Exclusion of Strangers, Res. 73, 90; Amendt. 1168

Peace Preservation (Ireland), 3R. 477

Public Health, Comm. 877; Consid. cl. 69, 1361

NOEL, Mr. E., *Dumfries, &c.*  
Increase of the Episcopate, 2R. 1083  
Public Health, Comm. cl. 23, Amendt. 886

NOLAN, Captain J. P., *Galway Co.*  
Army—Galway Militia, 791  
Recruits, 704  
Coroners (Ireland), 2R. 525  
Ireland, Property of the late Church of, Address for a Royal Commission, 1057, 1061  
Parliament—Whitsuntide Recess, 594  
Parliamentary Elections (Returning Officers), Consid. cl. 4, Motion for Adjournment, 917  
Peace Preservation (Ireland), Comm. add. cl. 186, 188; Consid. cl. 3, Amendt. 413, 419, 421, 792  
Peru—Guano, 1355  
Public Works Loan Acts Amendment, 2R. 840  
Sale of Food and Drugs, Comm. cl. 28, Amendt. 601  
Supply—British Museum Buildings, 766  
Towns Rating (Ireland), 2R. Motion for Adjournment, 627

NORTH, Lieut-Colonel J. S., *Oxfordshire*  
Army (Recruits), 698

NORTHCOTE, Right Hon. Sir S. H.  
(*see* Chancellor of the Exchequer)

O'BRIEN, Sir P., *King's Co.*  
Army—Dublin Militia Depôts, 1064  
Army—Military Officers, Removal of, Motion for an Address, 1443  
Coroners (Ireland), 2R. 524  
European Assurance Society Arbitration, 2R. 1350  
Metropolis—Cab Fares, 786  
Peace Preservation (Ireland), Comm. cl. 5, Amendt. 24; Amendt. 28; Amendt. 35; Consid. cl. 3, Amendt. 414; 3R. 483

O'CLERY, Mr. K., *Wexford Co.*  
Spain—Civil War, Res. 42, 44, 48

O'CONOR DON, The, *Roscommon Co.*  
Coroners (Ireland), 2R. 516  
Peace Preservation (Ireland), Consid. 408; cl. 3, 431  
Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 104, 116, 119

### Offences against the Person Bill (*Mr. Charley, Mr. Whitwell*)

- c. Moved, "That the Bill, as amended, be now taken into Consideration" May 10, 435  
Amendt. to leave out from "That the Bill," and add "be referred to a Select Committee" (*Mr. Vance*) v.; Question, "That the words, &c.," put, and agreed to  
Main Question put, and agreed to; Bill considered [Bill 131]  
Read 3<sup>o</sup> \* May 11  
l. Read 1<sup>o</sup> \* (*Lord Hampton*) May 13 (No. 102)  
Read 2<sup>o</sup>, after short debate June 8, 1518

### Offences against the Person Act Amendment Bill—Formerly

#### Security of the Person Bill

(*Mr. Secretary Cross, Mr. Attorney General, Sir Henry Selwin-Ibbetson*)

- c. Motion for Leave (*Mr. Asheton Cross*) May 6, 209; after short debate, Motion agreed to; Bill ordered; read 1<sup>o</sup> \* [Bill 155]  
Moved, "That the Bill be now read 2<sup>o</sup>" June 14, 1853  
Amendt. to leave out "now," and add "upon this day three months" (*Mr. P. A. Taylor*); Question proposed, "That 'now,' &c.;" after debate, Moved, "That the Debate be now adjourned" (*Mr. Mundella*); after further short debate, Debate adjourned

O'GORMAN, Major P., *Waterford*  
Parliament—Debates, Publication of, and Exclusion of Strangers, Res. 93  
Peace Preservation (Ireland), Consid. 410, 411  
Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 113  
Spain—Civil War, Res. 44

O'HAGAN, Lord  
Landed Estates Act (Ireland) Amendment, 2R. 1348

O'LEARY, Dr. W. H., *Drogheda*  
Coroners (Ireland), 2R. 522  
Navy—Medical Service—Surgeons, 396

O'NEILL, Hon. E., *Antrim*  
Peace Preservation (Ireland), Consid. cl. 3, 420

### Open Spaces (Metropolis) Bill (*Mr. Whalley, Sir George Bowyer*)

- c. Bill withdrawn \* June 10 [Bill 50]

ORANMORE AND BROWNE, Lord  
Peace Preservation (Ireland), 3R. 633

*Ordnance Survey—Denbighshire*  
Question, Mr. Osborne Morgan; Answer, Lord Henry Lennox June 15, 1918

O'REILLY, Mr. M. W., *Longford Co.*  
Land Tenure in Ireland, Res. 1738

### Orphan and Deserted Children (Ireland) Bill (*Mr. O'Shaughnessy, Mr. Downing, Major O'Gorman*)

- c. Ordered; read 1<sup>o</sup> \* June 10 [Bill 205]

O'SHAUGHNESSY, Mr. R., *Limerick*  
Coroners (Ireland), 2R. 523  
Customs (Ireland)—Out-door Officers, 396  
Friendly Societies, Comm. cl. 11, 1254; cl. 22, Amendt. 1383  
Peace Preservation (Ireland), Consid. Amendt. 402  
Sale of Food and Drugs, Comm. cl. 28, 602  
Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 129, 134, 1714



**O'SULLIVAN, Mr. W. H.,** *Limerick Co.*  
Land Tenure in Ireland, Res. 1727  
Peace Preservation (Ireland), Comm. cl. 5, 39;  
Consid. cl. 3, Amendt. 416, 417, 420;  
Amendt. 429  
Sale of Intoxicating Liquors on Sunday (Ireland, 2R. 135

**OVERSTONE, Lord**  
Church Patronage, Comm. cl. 19, 1928; 3R. 1458

**OXFORD, Bishop of**  
Church Patronage, Comm. cl. 18, 1923

**Pacific Islanders Protection Bill [M.L.]**  
(*The Earl of Carnarvon*)

i. Committee May 4, 2 (No. 83)  
Report \* May 7 (No. 88)  
Read 3\* May 10  
c. Read 1\* (*Mr. J. Lowther*) May 20 [Bill 182]

**PAGET, Mr. R. H.,** *Somersetshire, Mid.*  
Army—Militia—Arms and Stores, 879  
Criminal Law—Cost of Prosecutions, 580, 755  
Highway Expenditure, 581  
Offences against the Person Act Amendment, 2R. 1877  
Public Works Loan Acts Amendment, 2R. 819

**PALK, Sir L.,** *Devonshire, E.*  
Elementary Education Act—Compulsory Attendance, 1810  
Public Health, Comm. 876; cl. 20, Amendt. 886

## Parliament

### LORDS—

#### Private Bills

Moved, "That Standing Order No. 179. secs. 1 and 4. be suspended, and that the time for depositing petitions praying to be heard against Private Bills, which would otherwise expire during the adjournment of the House at Whitsuntide, be extended to the first day on which the House shall sit after the recess; agreed to May 10

Ordered, That so much of the Standing Order of the 15th day of March 1859 which requires "that the Examiner shall give at least two clear days notice of the day on which any Bill shall be examined," and also section 9. of Standing Order No. 178., be dispensed with for the remainder of the Session June 14

#### Chairman of Committees

Moved that the Lord Hampton be appointed to take the Chair in the Committees of the Whole House in the absence of the Lord Redesdale; agreed to

*Business of the House, Observations, The Duke of Richmond, Viscount Cardwell May 13, 543*

## PARLIAMENT—cont.

### COMMONS—

*Opposed Bills, Question, Mr. Dillwyn; Answer, Mr. Speaker June 9, 1616*

#### Privilege

*Petition from Dublin—Fictitious Signatures, Question, Mr. Meldon; Answer, Sir Charles Forster May 31, 1135*

#### Public Business

*Arrangement of Public Business, Questions, Mr. Whalley, The Marquess of Hartington; Answers, Mr. W. H. Smith, Mr. Disraeli May 10, 397; Question, Mr. W. E. Forster; Answer, Mr. Disraeli May 11, 476; Question, Mr. Alderman W. M. Arthur; Answer, Lord George Hamilton May 13, 584; Questions, Colonel Barttelot, The Marquess of Hartington; Answers, Mr. Disraeli, The Chancellor of the Exchequer May 13, 586; Questions, The Marquess of Hartington, Mr. Newdegate; Answers, Mr. Disraeli, The Chancellor of the Exchequer May 27, 926; Question, The Marquess of Hartington; Answer, Mr. W. H. Smith; short debate thereon May 27, 990; Questions, Mr. Newdegate, Mr. Fawcett, Mr. Whitwell; Answers, The Chancellor of the Exchequer May 28, 1009; Questions, Mr. Newdegate, Mr. Whalley; Answers, Mr. Disraeli June 7, 1467; Question, Mr. Childers; Answer, The Chancellor of the Exchequer June 8, 1561; Questions, Mr. W. E. Forster, Mr. Campbell-Bannerman, Mr. Lowe, Mr. Newdegate; Answers, Mr. Disraeli, The Chancellor of the Exchequer June 10, 1626; Observations, Mr. W. H. Smith June 10, 1689*

*Ascension Day—Committees, Ordered, That Committees shall not sit upon Thursday, being Ascension Day, until Two of the clock, and have leave to sit until Six of the clock, notwithstanding the sitting of the House (Mr. Disraeli)*

*Derby Day—Adjournment of the House, Question, Sir Wilfrid Lawson; Answer, Mr. Disraeli May 11, 476; May 24, 796*

Moved, "That this House, at its rising, do adjourn till Thursday next" (*Mr. Gathorne Hardy*); after short debate, Question put; A. 206, N. 81; M. 125

*Whitsuntide Holidays, Question, Colonel Barttelot; Answer, Mr. Disraeli May 7, 289; Question, Mr. Stauropeole; Answer, Mr. Disraeli May 10, 395*

*Whitsuntide Recess—Counts-out, Moved, "That the House, on its rising, do adjourn till Thursday next" (Mr. Disraeli) May 13, 587; after short debate, Motion agreed to*

*Suspension of the Standing Orders by the Lords, Question, Captain Nolan; Answer, Mr. Disraeli May 24, 792*

*The Budget Resolutions, Question, Mr. Lowe; Answer, Mr. W. H. Smith May 5, 154*

*Counting-out of the House, Question, Mr. Newdegate; Answer, Mr. Speaker June 9, 1562*

[cont.]

# PARLIAMENT—COMMONS—cont.

*Morning Sitzings—Monastic and Conventual Institutions Bill*, Question, Mr. Newdegate; Answer, Mr. Disraeli *May 21*, 718; Observations, Mr. Disraeli *May 24*, 795

*Order—Question*, Mr. Fielden; Answer, Mr. Wilson *June 1*, 1235

*Private Telegraph Wires—St. Stephen's Club*, Question, Mr. M'Carthy Downing; Answer, Mr. Disraeli *May 4*, 21

*Sittings of the House*, Resolved, That, whenever the House shall meet at Two of the clock, the sitting of the House shall be held subject to the Resolutions of the House of the 30th day of April 1869

## *Parliament—Lords Spiritual—Right of Bishops to sit in Parliament*

Observations, Mr. Charley; Reply, Sir Henry Selwin-Ibbetson; short debate thereon *May 21*, 719

## *Parliament—Publication of Debates and Exclusion of Strangers*

Question, Mr. Pease; Observations, The Marquess of Hartington, Mr. Plimsoll *May 4*, 22  
Moved, "That this House will not entertain any complaint, in respect of the publication of the Debates or Proceedings of the House, or of any Committee thereof, except when any such Debates or Proceedings shall have been conducted with closed doors, or when such publication shall have been expressly prohibited by the House, or by any Committee, or in case of wilful misrepresentation, or other offence in relation to such publication" (*The Marquess of Hartington*) *May 4*, 48

Amendt. to leave out from "That," and add "it is not expedient to make any permanent alteration in the Rules relative to the Reports of the Debates or Proceedings of the House, or of any Committee thereof, or as to the presence of Strangers in the House, until the House has more fully considered the present system of reporting its proceedings with the aid of information to be obtained by the appointment of a Select Committee" (*Mr. Mitchell Henry*) *v.*; Question proposed, "That the words, &c."

Notice taken that Strangers are present; Strangers ordered to withdraw

Moved, "That the Debate be now adjourned" (*Mr. Gathorne Hardy*); after short debate, Motion agreed to; Debate adjourned

Observations, The Marquess of Hartington; Reply, Mr. Disraeli *May 6*, 162

Moved, "That this House do now adjourn" (*Mr. Disraeli*); after debate, Motion withdrawn

Debate resumed *May 31*, 1136; after long debate, Amendt. withdrawn; original Question put; A. 147, N. 264; M. 107

Division List, Ayes and Noes, 1164

Moved, "That strangers shall not be directed to withdraw upon notice being taken of their presence; but if occasion shall arise for re-

[cont.]

# *Parliament—Publication of Debates and Exclusion of Strangers—cont.*

pressing or preventing disorder, Mr. Speaker, or the Chairman of a Committee, may direct their exclusion from any part of the House" (*The Marquess of Hartington*), 1167

Amendt. to leave out from "That" to "presence," inclusive, and insert "if any Member call the attention of the Speaker to the presence of strangers in the House, so soon as the strangers shall have retired, Mr. Speaker shall call upon the Member who directed his attention to the presence of strangers to state his reasons for their exclusion, and immediately on the Member's resuming his seat, Mr. Speaker shall propose as a question to be decided by the House, that strangers be re-admitted; and it shall not be competent to any Member to call the attention of Mr. Speaker to the presence of strangers during the remainder of that sitting of the House" (*Mr. Newdegate*) *v.*; after further debate, Question, "That the words 'strangers shall not be directed to withdraw upon notice being taken of their presence' stand part of the Question," put, and negatived

Question put, "That the words 'if any Member call the attention of the Speaker to the presence of strangers in the House, so soon as the strangers shall have retired, Mr. Speaker shall call upon the Member who directed his attention to the presence of strangers to state his reasons for their exclusion, and immediately on the Member's resuming his seat, Mr. Speaker shall propose as a question to be decided by the House, that strangers be re-admitted; and it shall not be competent to any Member to call the attention of Mr. Speaker to the presence of strangers during the remainder of that sitting of the House,' be there inserted" *v.*; A. 80, N. 192; M. 162

Amendt. to insert, after "That," "if, at any sitting of the House, or in Committee, any Member shall take notice that strangers are present, Mr. Speaker, or the Chairman (as the case may be) shall forthwith put the question that strangers be ordered to withdraw, without permitting any debate or amendment: Provided, That Mr. Speaker and the Chairman may, whenever he think fit, order the withdrawal of strangers from any part of the House" (*Mr. Disraeli*), 1185; Question, "That those words be there inserted," put, and agreed to; words inserted

Amendt. to leave out "but, if occasion shall arise for repressing or preventing disorder, Mr. Speaker, or the Chairman of a Committee, may direct their exclusion from any part of the House" (*The Marquess of Hartington*); Question, "That the words, &c.," put, and negatived; main Question, as amended, put, and agreed to

*Privilege—Strangers*, Question, Mr. Sullivan; Answer, Mr. Gathorne Hardy *June 3*, 1368

*Strangers (Presence at Debates)*, Observations, Mr. Speaker, Mr. Dillwyn *May 25*, 915

**PARLIAMENT—HOUSE OF LORDS**

*Sat First*

- May 7*—The Earl of Romney, after the death of his Father  
*May 11*—The Lord Tredegar, after the death of his Father

**PARLIAMENT—HOUSE OF COMMONS**

*New Writs Issued*

- May 10*—*For Brecknockshire, v. The Hon. Godfrey Charles Morgan, now Baron Tredegar, called up to the House of Peers*  
*June 3*—*For Suffolk (Western Division), v. Lord Augustus Hervey, deceased*

*New Members Sworn*

- May 25*—William Fuller Maitland, esquire, *County of Brecknock*  
*May 31*—Stephen Moore, esquire, *Tipperary County*

**Parliament of Canada Bill [H.L.]**

(*The Earl of Carnarvon*)

- l. Presented; read 1<sup>o</sup> May 10 (No. 96)*  
*Read 2<sup>o</sup> June 4*  
*Committee<sup>s</sup>; Report June 7*  
*Read 3<sup>o</sup> June 8*  
*c. Read 1<sup>o</sup> (Mr. J. Lowther) June 14 [Bill 209]*

**Parliamentary Elections Act, 1868**

*Boston Election*

The Lord Chamberlain acquainted the House that Her Majesty had appointed Thursday next, at a quarter before Two o'clock, at Buckingham Palace, to be attended with the Address of both Houses on the Boston Borough Election. A message sent to the Commons to inform them thereof, and that the Lords had appointed the Lord Steward and the Lord Chamberlain to attend Her Majesty therewith on the part of this House, and to desire the Commons to appoint a proportionate number of its members to go with them

Message from the Lords *May 4, 18*; Ordered, That four Members of this House do go with the Lords mentioned in the said Message, to wait upon Her Majesty with the said Address; Ordered, That Mr. Disraeli, Mr. Secretary Cross, Mr. Secretary Hardy, and the Comptroller of the Household do go with the Lords mentioned in the said Message; Message to the Lords to acquaint them therewith

The Queen's Answer to the Address of Monday the 26th ultimo reported by the Lord Steward *May 7, 210*

*Controverted Elections—City of Norwich*  
 Judge's Certificate and Report read *May 11, 468*

*Norwich New Writ*

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the electing of a Member to serve in this present Parliament for the City

**PARLIAMENTARY ELECTIONS ACT, 1868—*Norwich New Writ*—cont.**

of Norwich, in the room of Jacob Henry Tillett, esquire, whose election has been determined to be void" (*Mr. Whalley*) *June 1, 1237*  
 Amendt. to leave out from "That," and add "the Writ for the election of a new Member for the City of Norwich be suspended until the evidence taken on the trial of the Norwich Election Petition has been considered by the House" (*Mr. Yorke*) *v.*; after short debate, Question, "That the words, &c.," put, and negatived; words added; main Question, as amended, put, and agreed to

*County of Tipperary*

Judge's Report read *May 27, 918*

Ordered, That the Clerk of the Crown do attend this House To-morrow, at Four of the clock, with the last Return for the County of Tipperary, and amend the same, by substituting the name of Stephen Moore for that of John Mitchel, as the Member returned to serve in Parliament for the said County" (*Mr. Dyke*), *919*

**Parliamentary, &c. Elections—*The Law of Registration***

Question, Mr. Hayter; Answer, Mr. Disraeli *June 14, 1811*

**Parliamentary Elections (Returning Officers) Bill**

(*Sir Henry James, Sir William Harcourt*)

- c. Considered May 26, 917 [Bill 32]*  
 Moved, "That the further Consideration of the Bill be adjourned" (*Captain Nolan*); Question put, and negatived

**Parliamentary Seats (Peers of Ireland) Bill**

(*Mr. Butt, Mr. Bryan, Mr. Sullivan*)

- c. Ordered; read 1<sup>o</sup> May 13 [Bill 170]*

**PARNELL, Mr. C. S., *Meath***

Army—Divine Service, Attendance at—Meath Militia, 1825, 1923, 1924  
 Peace Preservation (Ireland), Comm. cl. 5, 42, 185

**Peace Preservation (Ireland) Bill**

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

- c. Committee—s.p. May 4, 24 [Bill 77]*  
 Committee; Report *May 6, 179*  
 Considered *May 10, 398 [Bill 154]*  
 Moved, "That the Bill be now read 3<sup>o</sup>" *May 11, 477*  
 Amendt. to leave out "now," and add "upon this day six months" (*Mr. Butt*); after short debate, Question put, "That 'now,' &c.;" *A. 287, N. 70; M. 217*  
 Main Question put, and agreed to; Bill read 3<sup>o</sup> [New Title]

*Suspension of the Standing Orders by the Lords*, Question, Captain Nolan; Answer, Mr. Disraeli *May 24, 793*

*Peace Preservation (Ireland) Bill—cont.*

- l. Read 1<sup>st</sup> (*Lord President*) May 11 (No. 100)  
 Read 2<sup>nd</sup>, after short debate May 13, 570  
 Committee; Report; Standing Orders Nos. 37.  
 and 38, considered and dispensed with; Bill  
 read 3<sup>rd</sup> May 14, 633  
 Royal Assent May 28 [38 Vict. c. 14]

**PEASE, Mr. J. W., *Durham, S.***

Elementary Education Act—National Schools,  
 Middleton, 1920  
 National Debt (Sinking Fund), Comm. 1541  
 Offences against the Person, Consid. 435  
 Parliament—Debates, Publication of, and Ex-  
 clusion of Strangers, 22  
 Sale of Food and Drugs, Comm. cl. 9, 198  
 Ways and Means—Financial Statement, 350

**PEEK, Sir H. W., *Surrey, Mid.***

Sale of Food and Drugs, Comm. cl. 9, 197;  
 cl. 21, 510; cl. 24, 598; cl. 29, Amendt.  
 602, 603

**PEEL, Right Hon. Sir R., *Tamworth***

Queen v. Castro, Explanation, 178

**PELL, Mr. A., *Leicestershire, S.***

Criminal Law—Cost of Prosecutions, 755  
 Public Health, Comm. cl. 62, Amendt. 889;  
 cl. 129, Amendt. 891, 892; cl. 168, 893  
 Public Works Loan Acts Amendment, 2R. 836  
 Sale of Food and Drugs, Comm. cl. 9, 198;  
 Amendt. 205; cl. 18, Amendt. 208; cl. 21,  
 Amendt. 512  
 Supply—Rates on Government Property, 773

**PENNINGTON, Mr. F., *Stockport***

Criminal Law Amendment Act, 1871—Pick-  
 eting, 582

**PENZANCE, Lord**

Agricultural Holdings (England), Report, cl. 4,  
 Amendt. 379; 3R. Amendt. 559  
 Regimental Exchanges, 2R. 256

**PERKINS, Sir F., *Southampton***

Army—Volunteers and Militia—Retired Rank,  
 1467

*Peru—Guano*

Question, Captain Nolan; Answer, Mr. Bourke  
 June 3, 1855

**PETERBOROUGH, Bishop of**

Church Patronage, Comm. cl. 4, 1211; cl. 12,  
 1218, 1220; cl. 18, 1223; cl. 19, 1231; Re-  
 port, 1399; 3R. 1459

**Pharmacy Bill (*Sir Michael Hicks-Beach,*  
*Mr. Solicitor General for Ireland*)**

c. Ordered; read 1<sup>st</sup> May 13 [Bill 175]

**Pier and Harbour Orders Confirmation  
Bill (*The Lord Dunmore*)**

- l. Committee; Report May 7 (No. 64)  
 Read 3<sup>rd</sup> May 10  
 Royal Assent May 13 [38 Vict. c. xi]

**Pier and Harbour Orders Confirmation  
(No. 2) Bill**

(*Mr. Cavendish Bentinck, Sir Charles Adderley*)  
 c. Report May 31 [Bill 113]

**Pier and Harbour Orders Confirmation  
(No. 3) Bill**

(*Mr. Cavendish Bentinck, Sir Charles Adderley*)  
 c. Considered May 13 [Bill 143]  
 Read 3<sup>rd</sup> May 20  
 l. Read 1<sup>st</sup> (*Lord Dunmore*) May 28 (No. 107)

**PTM, Captain B., *Gravesend***

Navy—H.M.S. "Captain," Loss of the, 1132  
 H.M. Yacht "Osborne," 161

**PLAYFAIR, Right Hon. Mr. Lyon, *Edin-  
burgh and St. Andrew's Universities***

Apothecaries Hall (Ireland)—Licentiates, 1807  
 Education (Scotland) Act, Res. 912  
 Public Health, Comm. 876, 877; cl. 68, 889;  
 cl. 89, 890; cl. 129, 892  
 Rivers Pollution Commissioners, 161  
 Sale of Food and Drugs, Comm. cl. 9, 199;  
 Amendt. 205, 206; cl. 21, Motion for report-  
 ing Progress, 209, 512; Amendt. 513; cl. 24,  
 598  
 Savings Banks, &c. Comm. 964; Preamble,  
 989, 1494  
 Vivisection—A Royal Commission, 794

**PLIMSOLL, Mr. S., *Derby Bo.***

Mercantile Marine—Seagoing Ships, 1129  
 Wreck Register 1874 and 1875, 1129  
 Merchant Shipping Acts Amendment, 1357  
 Parliament—Debates, Publication of, and Ex-  
 clusion of Strangers, 23  
 Supply—Board of Trade, 1772

**PLUNKET, Hon. D. R. (Solicitor Gene-  
ral for Ireland), *Dublin University***

Ireland, Property of the late Church of, Ad-  
 dress for a Royal Commission, 1059, 1061  
 Landlord and Tenant (Ireland) Act (1870)  
 Amendment, 2R. 1330, 1332  
 Lunatics (Ireland), 1922  
 Peace Preservation (Ireland), Comm. cl. 5, 33,  
 34; add. cl. 190; Schedule A. ib.; Consid.  
 399; cl. 3, 425; Amendt. 427, 429, 430;  
 Amendt. 434

**Police Expenses Bill (*Mr. Chancellor of  
the Exchequer, Mr. Secretary Cross*)**

c. Considered in Committee May 25, 918  
 Resolution reported, and agreed to; Bill or-  
 dered; read 1<sup>st</sup> May 27 [Bill 187]

**Pollution of Rivers Bill [H.L.]**

(*The Marquess of Salisbury*)

- l. Read 2<sup>nd</sup>, after short debate May 13, 544  
 (No. 81)

**Poor Law**

Moved, That it is expedient in the administration of the Poor Law to revert more nearly to the principles laid down in the Report of the Commissioners of Inquiry (1833), with a view to the ultimate discontinuance of outdoor relief (*The Lord Lyttelton*) June 14, 1878; after debate, Motion withdrawn

**PORTMAN, Viscount**

Agricultural Holdings (England), Report, *cl.* 2, 378; 3R. 580  
Church Patronage, Comm. 1207; *cl.* 4, Amendt. 1208, 1216; *cl.* 12, 1218; *cl.* 18, Amendt. 1222; 3R. 1452  
Transport of Cattle by Sea and Land, Motion for a Committee, 1705

**POST OFFICE**

**MISCELLANEOUS QUESTIONS**

*Clerks—Increment of Salaries*, Question, Mr. K. Smyth; Answer, Mr. W. H. Smith May 13, 581  
*Irish Mails—Delay at Limerick Junction*, Question, Mr. Moore; Answer, Mr. W. H. Smith May 28, 1008  
*Ocean Postal Contracts*, Question, Mr. John Holms; Answer, Lord John Manners June 14, 1807  
*Postal Arrangements—Lewes and Eastbourne*, Question, Mr. Gregory; Answer, Lord John Manners June 1, 1233  
*Savings Banks*, Question, Sir Joseph M'Kenna; Answer, The Chancellor of the Exchequer May 31, 1134;—*Mr. C. W. Sikes*, Question, Mr. Lewis Starkey; Answer, The Chancellor of the Exchequer June 3, 1354  
*Telegraphs—The Isle of Man*, Question, Mr. Rathbone; Answer, Lord John Manners June 15, 1918  
*Telegraphic Communication with Lighthouses*, Question, Mr. A. P. Vivian; Answer, Lord John Manners May 31, 1128; Explanation, Lord John Manners June 4, 1404

**Post Office Bill**

(*Mr. William Henry Smith, Lord John Manners*)

c. Ordered; read 1<sup>o</sup> May 20 [Bill 180]  
Read 2<sup>o</sup> May 24  
Committee\*; Report May 25  
Read 3<sup>o</sup> May 27  
l. Read 1<sup>o</sup> (Lord President) May 28 (No. 116)  
Read 2<sup>o</sup> June 7  
Committee\*; Report June 8  
Read 3<sup>o</sup> June 10  
Royal Assent June 14 [38 Vict. c. 22]

**POTTER, Mr. T. B., Rochdale**  
Italy—Tariff Treaties, 18

**POWER, Mr. J. O'Connor, Mayo**

Criminal Law—Convicts, Treatment of—Port-land Prison, 1401  
Peace Preservation (Ireland), Comm. *cl.* 5, 34; *add. cl.* 187; Consid. 412; 3R. 487  
Public Meetings (Ireland)—Castlebar, 1234  
Salmon Fisheries (Ireland) Act—Definition of Boundaries, 476

**POWER, Mr. R., Waterford**

Union Rating and Jury Laws (Ireland), 1355

**POWIS, Earl of**

Competitive Examinations (Navy and Army). Address for Papers, 1447  
Exeter Union of Benefices, 2R. 1710  
Regimental Exchanges, 1203

**PRICE, Mr. W. E., Tewkesbury**

Army—Militia Reserve—Autumn Manœuvres, 1356

**Public Entertainments (Hour of Opening) Bill** [H.L.]—Now

**Public Entertainments Bill**

(*The Earl Beauchamp*)

l. Report\* May 4 (No. 77)  
Read 3<sup>o</sup> May 7  
c. Read 1<sup>o</sup> (Mr. Secretary Cross) May 13  
Read 2<sup>o</sup> May 27 [Bill 178]  
Committee\*; Report May 31  
Read 3<sup>o</sup> June 3  
l. Royal Assent June 14 [38 Vict. c. 21]

**Public Health (re-committed) Bill**

(*Mr. Selator-Booth, Mr. Clare Read*)

c. Committee—R.P. May 25, 874 [Bill 157]  
Committee; Report May 27, 991  
Considered June 3, 1359  
Read 3<sup>o</sup> June 7  
l. Read 1<sup>o</sup> (Lord President) June 8 (No. 136)

**Public Health (Scotland) Provisional Order Confirmation (No. 1) Bill**

(*The Lord Walsingham*)

l. Committee\*; Report May 4 (No. 54)  
Read 3<sup>o</sup> May 7  
Royal Assent May 13 [38 Vict. c. ix]

**Public Health (Scotland) Provisional Order Confirmation (No. 2) Bill**

(*The Lord Walsingham*)

l. Committee\*; Report May 10 (No. 55)  
Read 3<sup>o</sup> May 11  
Royal Assent May 13 [38 Vict. c. xii]

**Public Health (Scotland) Provisional Order Confirmation (No. 3) Bill**

(*The Lord Advocate, Mr. Clare Read, Sir Henry Selwin-Ibbetson*)

c. Ordered; read 1<sup>o</sup> May 12 [Bill 167]  
Read 2<sup>o</sup> May 13  
Committee\*; Report May 27  
Considered May 28  
Read 3<sup>o</sup> May 31  
l. Read 1<sup>o</sup> (The Earl of Jersey) June 1  
Read 2<sup>o</sup> June 10 (No. 121)  
Committee\*; Report June 11  
Read 3<sup>o</sup> June 14



**Public Stores Bill**

(*Mr. William Henry Smith, Mr. Chancellor of the Exchequer*)

- c. Ordered; read 1<sup>o</sup> May 10 [Bill 159]  
 Read 2<sup>o</sup> May 20  
 Committee\*; Report May 24  
 Read 3<sup>o</sup> May 25  
 l. Read 1<sup>o</sup> (*The Lord President*) May 28  
 Read 2<sup>o</sup> June 10 (No. 110)  
 Committee\*; Report June 11  
 Read 3<sup>o</sup> June 14

**Public Works Loan Acts Amendment Bill**

(*Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

- c. Question, Mr. Fawcett; Answer, The Chancellor of the Exchequer May 13, 584  
 Moved, "That the Bill be now read 2<sup>o</sup>" May 24, 796  
 Amendt. to leave out from "That," and add "in the absence of other and adequate proposals for the reform of Local Taxation and Local Government, this Bill cannot be regarded as meeting the necessities of the time or the expectations which have been raised by Her Majesty's Government, and this House is of opinion that further delay of legislation on these subjects is calculated to impede the social and economic progress of the Country" (*Mr. Fawcett*) v.; Question proposed, "That the words, &c.;" after long debate, A. 249, N. 176; M. 74  
 Main Question put, and agreed to  
 Division List, A. & N. 862  
 Bill read 2<sup>o</sup>, and committed to a Select Committee [Bill 53]  
 And, on June 9, Committee nominated; List of the Committee, 862

**Public Works Loan Acts Consolidation**

**Bill** (*Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

- c. Read 2<sup>o</sup>, and committed to the Select Committee on the Public Works Loan Acts Amendment Bill May 24, 862 [Bill 54]  
 Instruction to the Committee on the Bills, That they have power to consolidate the said Bills into one Bill

**RAIKES, Mr. H. C. (Chairman of Committees of Ways and Means), Chester**

- Crosshill Burgh Extension, 3R. 1916  
 European Assurance Society Arbitration, 2R. 1350  
 Metropolis Gas Companies, 2R. 618  
 Peace Preservation (Ireland), Comm. cl. 5, 35, 36, 39, 184; Preamble, 193  
 Savings Banks, &c. Comm. Preamble, 983, 1491, 1495  
 Supply—Repair of Public Buildings, 762

**Railway Communication in the East — Asiatic Railways — Beloochistan and Persia**

- Question, Sir H. Drummond Wolff; Answer, Mr. Bourke May 24, 795

**Railway Companies Bill**

(*Mr. Cavendish Bentinck, Sir Charles Adderley*)

- c. Ordered; read 1<sup>o</sup> May 5 [Bill 152]  
 Read 2<sup>o</sup> May 20  
 Committee\*; Report May 24  
 Read 3<sup>o</sup> May 25  
 l. Read 1<sup>o</sup> (*The Lord Dunmore*) May 28 (No. 111)

**Railway Passenger Duty**

Question, Mr. Rodwell; Answer, The Chancellor of the Exchequer May 11, 470

**Railways, Accidents on, 1874**

Question, Observations, Lord Cottesloe; Reply, The Earl of Dunmore; short debate thereon May 10, 374

**RALLI, Mr. P., Bridport**

Crosshill Burgh Extension, 3R. 1909

**RAMSAY, Mr. J., Falkirk, &c.**

- Education (Scotland), Res. 903  
 Education (Scotland) (Sutherland and Caithness), Comm. 1935, 1936  
 Elementary Education (Compulsory Attendance), 2R. 1598  
 Sale of Food and Drugs, Comm. cl. 21, 513  
 Supply—Board of Trade, 1771

**RATHBONE, Mr. W., Liverpool**

- Metropolitan Poor Act—Hampstead Fever and Small Pox Hospital, Motion for a Committee, 1964  
 Post Office Telegraphs—Isle of Man, 1918  
 Public Health, Comm. cl. 68, Amendt. 889; cl. 190, Amendt. 890; Consid. cl. 69, Amendt. 1360; cl. 296, Amendt. 1364  
 Public Works Loan Acts Amendment, 2R. 832

**Rating Act, 1874—Ratings of Land for Game**

Question, Sir George Jenkinson; Answer, Mr. Sclater-Booth May 27, 920

**REDESDALE, Lord (Chairman of Committees)**

- Agricultural Holdings (England), Report, cl. 6, 383  
 Artizans Dwellings, Report, 1621  
 Birmingham (Corporation) Water, 2R. 1777  
 Sale of Food and Drugs, 2R. 1451  
 Sligo, Leitrim, and Northern Counties Railway—Preference Stock, Comm. 993, 996; 3R. 1839

**REDMOND, Mr. W. A., Wexford**

- Coroners (Ireland), 2R. 525  
 Peace Preservation (Ireland), Consid. cl. 3, 420

**Regimental Exchanges Bill**

(*The Lord President*)

- l. Moved, "That the Bill be now read 2<sup>o</sup>" May 7, 213  
 Amendt. to leave out ("now,") and add at the end of the Motion ("this day six months")

[cont.]

*Regimental Exchanges Bill—cont.*

(*The Viscount Cardwell*) ; after long debate, on Question, That ("now") &c. ; Cont. 137, Not-cont. 60 ; M. 77 ; Bill read 2<sup>a</sup> (No. 44)

Division List, Cont. and Not-Cont. 286

Committee ; Report May 11, 462

Read 3<sup>a</sup> \* May 13

Royal Assent May 28

[38 Vict. c. 16]

Personal Explanation, *The Marquess of Lansdowne* June 1, 1203

**Representation of the People Acts Amendment Bill**

(*Sir Henry Wolf, Sir Charles Legard, Sir Charles Russell, Mr. Callender, Mr. Ryder*)

c. Order for 2R. discharged ; Bill withdrawn May 12, 529 [Bill 29]

**RICHARD, Mr. H., *Merthyr Tydofl***

Bishopric of Saint Albans, 2R. Amendt. 489

India—Baroda, Guikwar of, 394

**RICHMOND, Duke of (Lord President of the Council)**

Agricultural Holdings (England), Report, 378 ; cl. 2, Amendt. *ib.* ; cl. 4, 381 ; cl. 6, 384 ; cl. 16, Amendt. 385 ; cl. 38, 386 ; 3R. 564, 569

Army—Efficiency of the, 1121, 1122

Artizans Dwellings, Comm. cl. 4, 1342

Competitive Examinations (Navy and Army), Address for Papers, 1448

Elementary Education Act, 1871—Elizabeth Marks, Case of, 1394

Parliament—Business of the House, 543

Peace Preservation (Ireland), 2R. 570, 578

Poor Law, Res. 1796, 1802

Regimental Exchanges, 2R. 213, 255 ; Comm. 464, 466

Sale of Food and Drugs, 2R. 1448, 1452 ; Comm. cl. 3, 1895 ; cl. 5, Amendt. 1896 ; cl. 9, 1897, 1898 ; cl. 27, Amendt. *ib.* ; cl. 29, 1899

Sanitary Officers (Ireland), Motion for a Return, 1396

Transport of Foreign Cattle, Motion for Papers, 1090, 1091 ; Motion for a Committee, 1696, 1699, 1705

Vivisection—A Royal Commission, 993

**RIDLEY, Mr. M. W., *Northumberland, N.***

Public Works Loan Acts Amendment, 2R. 824

**RITCHIE, Mr. C. T., *Tower Hamlets***

Army Estimates—Militia Pay, 716

House Occupiers, Disqualification Removal, Comm. 1689

Metropolis Gas Companies, 2R. 625

**Rivers Pollution Commissioners**

Question, *Mr. Lyon Playfair* ; Answer, *Mr. Selater-Booth* May 6, 161

**ROCHESTER, Bishop of**

Bishopric of Saint Albans, 2R. 1897

**RODWELL, Mr. B. B. H., *Cambridge-shire***

Railway Passenger Duty, 470

Sale of Food and Drugs, Comm. cl. 9, 204 ; cl. 21, 595 ; cl. 24, Amendt. 596 ; Amendt. 599

**ROEBUCK, Mr. J. A., *Sheffield***

Friendly Societies, Comm. cl. 28, 1406

Parliament—Debates, Publication of, and Exclusion of Strangers, 1146

**RONAYNE, Mr. J. P., *Cork City***

Peace Preservation (Ireland), Comm. cl. 5, 188 ; add. cl. 191 ; Preamble, 192, 195 ; Consid. 412 ; 3R. 485

**RUSSELL, Earl**

France, Germany, &c.—Peace of Europe, Motion for Correspondence, 1091, 1101

**RUSSELL, Sir C., *Westminster***

Peace Preservation (Ireland), Comm. cl. 5, 41

***Russia and Japan—Island of Saghalien***

Question, *Sir Charles W. Dilke* ; Answer, *Mr. Bourke* May 24, 786

***Russia—Central Asia—The Oxus***

Question, *Mr. Hanbury* ; Answer, *Mr. Bourke* June 2, 1358

**Saint Paul's Cathedral (Minor Canonries)**

Bill [H.L.] (*The Lord Bishop of London*)

l. Committee \* May 4 (No. 60)

Report \* May 7

Read 3<sup>a</sup> \* May 10

c. Read 1<sup>a</sup> \* (*Mr. Hubbard*) May 13 [Bill 179]

Read 2<sup>a</sup> \* June 2

Committee \* ; Report June 3

Considered \* June 7

Read 3<sup>a</sup> \* June 8

**Sale of Food and Drugs Bill—Formerly**

**Adulteration of Food and Drugs Bill**

(*Mr. Selater-Booth, Mr. Clare Read*)

c. Committee—R.F. May 6, 196 [Bill 83]

Committee—R.F. May 11, 510

Committee ; Report May 13, 595

Considered May 21, 782 [Bill 168]

Read 3<sup>a</sup> \* May 24

l. Read 1<sup>a</sup> \* (*Lord President*) May 28 (No. 112)

Read 2<sup>a</sup>, after short debate June 7, 1448

Committee June 15, 1894

**Sale of Intoxicating Liquors on Sunday (Ireland) Bill**

[Bill 14]

(*Mr. Richard Smyth, The O'Conor Don, Viscount O'Chilton, Mr. Dease, Mr. James Corry, Mr. William Johnston, Mr. Dickson, Mr. Redmond*)

c. Moved, "That the Bill be now read 2<sup>o</sup>" May 5, 94

Amendt. to leave out "now," and at the end of the Question add "upon this day six

[cont.]

*Sale of Intoxicating Liquors on Sunday (Ireland) Bill—cont.*

months" (*Mr. Callan*); Question proposed, "That 'now,' &c.;" after debate, Debate adjourned

Question, *Mr. Kavanagh*; Answer, *Mr. Disraeli* May 10, 393; Question, *Mr. Meldon*; Answer, *Sir Michael Hicks-Beach* May 31, 1135; Questions, *Mr. R. Smyth*, *Mr. Anderson*; Answers, *Mr. Disraeli*, *Mr. Assheton* Cross June 3, 1358; Question, *Mr. O'Shaughnessy*; Answer, *Sir Michael Hicks-Beach* June 11, 1714

*Petition from Dublin*, Moved, "That the Order, that the Petition from Dublin, against the Sale of Intoxicating Liquors on Sunday (Ireland) Bill [presented 28th May] do lie upon the Table, be read, and discharged" (*Mr. Meldon*) June 11, 1773; after short debate, Motion withdrawn

*Salisbury, Marquess of (Secretary of State for India)*

Church Patronage, *Comm. cl. 4*, 1208; *cl. 12*, 1220; *cl. 18*, 1222; *cl. 19*, 1230  
Pollution of Rivers, 2R. 550  
Regimental Exchanges, 2R. 278, 281  
Sale of Food and Drugs, *Comm. cl. 9*, 1898

*Salmon Fishery Act, 1873—The Severn and Wye Districts*

Question, *Mr. Clive*; Answer, *Mr. Assheton* Cross May 11, 471

*SALT, Mr. T., Stafford*

Bishopric of Saint Albans, *Comm. cl. 9*, 605  
Friendly Societies, *Comm. cl. 7*, Amendt. 1200; *cl. 10*, Amendt. 1246; *cl. 11*, Amendt. 1249, 1250; Amendt. 1253; *cl. 14*, 1375; *cl. 15*, Amendt. 1380  
Registrar of Married Women's Acknowledgments, 580  
Supply—Board of Trade, 1772

*SAMUDA, Mr. J. D'A., Tower Hamlets*  
*Epping Forest Act—Report of Commissioners*, 924

Metropolis Gas Companies, 2R. 623  
Savings Banks, &c. *Comm.* 982; *cl. 5*, 1511  
Ways and Means—Financial Statement, 357

*SANDFORD, Mr. G. M. W., Maldon*

Sale of Food and Drugs, *Comm. cl. 7*, Amendt. 196; *cl. 9*, Amendt. 197; Amendt. 203, 207; *cl. 24*, Amendt. 599; *Consid. cl. 5*, Amendt. 782  
Supply—Science and Art Department, 767

*SANDHURST, Lord*

Regimental Exchanges, 2R. 250, 254, 255, 256; *Comm.* 462

*SANDON, Right Hon. Viscount (Vice President of Committee of Council on Education), Liverpool*

Agricultural Children Act, 159  
Education (Scotland) Act, *Res.* 914

*SANDON, Right Hon. Viscount—cont.*

Elementary Education Act—Miscellaneous Questions

London School Board, 1463  
Marks, Elizabeth, Case of, 156  
National Schools, Middleton, 1921  
Winchester, 922, 923

Elementary Education (Compulsory Attendance), 2R. 1602

Importation of Cattle—Ill-treatment in Transit, 160

Medical Acts Amendment (College of Surgeons), *Comm.* 1560, 1937

Medical Education, Council of—Diplomas, 471  
Supply—Privy Council and Subordinate Departments, 1768  
Report, 1879

*Savings Banks, &c. Bill*

(*Mr. Raikes*, *Mr. Chancellor of the Exchequer*, *Mr. William Henry Smith*)

c. Moved, "That the Bill be now read 2<sup>o</sup>" May 10, 436

Moved, "That the Debate be now adjourned" (*Mr. Fawcett*); Question put, and negatived  
Main Question put, and agreed to; Bill read 2<sup>o</sup> [Bill 146]

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" May 27, 943

Amendt. to leave out from "That," and add "in the opinion of this House, it is inexpedient to pass a Bill which might cause the Savings Banks and Friendly Societies Funds to be less securely invested than they now are, and which does not provide any adequate guarantee that the National Debt Commissioners, in whom these funds are vested, will not annually have to make up a considerable deficit by a Parliamentary grant" (*Mr. Fawcett*) v.; after long debate, Motion withdrawn; Question, "That the words, &c.," put, and agreed to

Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee

On Question, "That the Preamble be postponed?" after short debate, Preamble postponed; after further short debate Committee —R.P.

Committee; Report June 7, 1469

*SOLATER-BOOTH, Right Hon. G. (President of the Local Government Board), Hampshire, N.*

Adulteration of Food Act, 1872—Cost of Prosecutions, 155

Canadian Parliament, The, 1626

Highway Expenditure, 581

Highways—Turnpike Trusts—Repairing of Roads, 1353

Local Authorities Loans, 2R. 610

Poor Rates (Metropolis)—St. John's, Hampstead, 1128

Public Health, *Comm.* 877, 879; *cl. 16*, 885; *cl. 17*, 886; *cl. 20*, *ib.*; *cl. 23*, 887; *cl. 34*, *ib.*; *cl. 59*, 888; *cl. 60*, *ib.*; *cl. 62*, 889; *cl. 68*, *ib.*, 890; *cl. 89*, *ib.*, 891; *cl. 129*, *ib.*, 892; *cl. 168*, 893, 894; *cl. 211*, 991; *Consid. Amendt.* 1359; *cl. 50*, 1360; *cl. 69*, 1361; *cl. 69*, *ib.*, 1363; *cl. 112*, Amendt. *ib.*, 1363; *cl. 179*, *ib.*; *cl. 257*, *ib.*; *cl. 296*, 1365

[cont.]

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**SOLATER-BOTHE, Right Hon. G.—cont.**

Public Works Loan Acts Amendment, 2R. 842  
Rating Act, 1874—Ratings of Land for Game,  
921

Rivers Pollution Commissioners, 161

Sale of Food and Drugs, Comm. cl. 7, 196 ;  
cl. 8, 197 ; cl. 9, 198, 202, 205, 206, 207 ;  
cl. 13, Amendt. *ib.* ; cl. 18, 208 ; cl. 21, 510,  
512, 595 ; cl. 24, 596, 598, 599 ; Amendt.  
*ib.*, 600 ; cl. 25, 601 ; cl. 28, 602 ; cl. 29,  
*ib.*, 603 ; Consid. cl. 5, 783 ; cl. 13, *ib.*

**SCOTLAND**

*Game Laws—Gamekeepers*, Question, Mr.  
Fortescue Harrison ; Answer, Mr. Ascheton  
Cross June 10, 1873

*Sheriff Courts*, Questions, Mr. Trevelyan, Sir  
George Campbell ; Answers, The Lord Ad-  
vocate May 27, 1875

*Stray Dogs—Sheep Worrying*, Question, Mr.  
Baillie-Hamilton ; Answer, The Lord Ad-  
vocate May 10, 1873

**Scotland—Education (Scotland) Act**

Moved, "That it is expedient that the provi-  
sions of the Scotch Education Act relating  
to the transference of Denominational and  
Subscription Schools to School Boards be  
assimilated to those of the English Educa-  
tion Act, in order that such transference  
may be facilitated, and the burden on the  
ratepayers thereby relieved ; and that an  
effectual audit of the annual accounts of  
School Boards in Scotland be by Law pro-  
vided" (*Sir William Stirling-Maxwell*)  
May 25, 1874 ; after debate, Question put,  
and negatived

**SCOURFIELD, Mr. J. H., Pembrokeshire, S.**

Criminal Law—Cost of Prosecutions, 754  
Elementary Education (Compulsory Attend-  
ance), 2R. 1584

Ways and Means—Financial Statement, 351

**Sea Fisheries Bill**

(*The Lord Dunmore*)

1. Read 1<sup>st</sup> May 4 (No. 48)  
Read 2<sup>nd</sup> May 10  
Committee\* ; Report May 11  
Read 3<sup>rd</sup> May 13  
Royal Assent May 28 [38 Vict. c. 15]

**Seal Fishery (Greenland) Bill**

(*The Lord Dunmore*)

1. Read 2<sup>nd</sup> May 11 (No. 80)  
Committee ; Report, after short debate  
May 28, 1873  
Read 3<sup>rd</sup> May 31  
Royal Assent June 14 [38 Vict. c. 18]

**Security of the Person Bill—**

See title

**Offences against the Person Act Amend-  
ment Bill****SELBORNE, Lord**

Church Patronage, Comm. cl. 12, 1219  
General School of Law, 1R. 8 ; 2R. 999 ;  
Comm. 1893

Inns of Court, 1R. 4

Pollution of Rivers, 2R. 553, 555

**SELWIN-IBBETSON, Sir H. J. (Under Se-  
cretary of State for the Home De-  
partment), Essex, W.**

Criminal Law—Cost of Prosecutions, 580

Criminal Law Amendment Act, 1871—Picket-  
ing, 583

Mines Regulation Act, 1872—Saltwell's Col-  
liery, Accident at, 920

Parliament—Lords Spiritual—Right of Bishops  
to sit in Parliament, 722

Police (Metropolis)—Sick or Drunken Persons,  
1066

Queen v. Castro—Contempt of Court, 585

Registrar of Married Women's Acknowledg-  
ments, 580, 581

**SHAFTESBURY, Earl of**

Artizans Dwellings, 2R. \*453 ; Comm. cl. 5,  
1342

Chimney Sweepers, 2R. 437

Fiji Islands, Reported Epidemic in the, 1617

**SHAW, Mr. W., Cork Co.**

Savings Banks, &c. Comm. 1420 ; Amendt.  
1498, 1502

**SHERIDAN, Mr. H. B., Dudley**

Mines Regulation Act, 1872—Saltwell's Col-  
liery, Accident at, 919

**SHERLOCK, Mr. Serjeant D., King's Co.**

Coroners (Ireland), 2R. 522

Peace Preservation (Ireland), 3R. 478

**SHREWSBURY, Earl of**

Birmingham (Corporation) Water, 2R. 1777

**SHUTE, Major-General C. C., Brighton**

Army (Recruits), 685

Army—British Troops in India, Res. 648

Contempt of Court, 1747

**SIDEBOTTOM, Mr. T. H., Staleybridge**

Army (Recruits), 670

**SIMON, Mr. Serjeant J., Dowsbury**

Supreme Court of Judicature Act (1873)  
Amendment (No. 2), 2R. 1656

**Sligo, Leitrim, and Northern Counties  
Railway Bill**

1. Order of the Day for the House to be put into  
Committee, read May 28, 1873 ; after short  
debate, House in Committee  
Read 3<sup>rd</sup>, after short debate June 3, 1873 ;  
Protest thereon

SMITH, Mr. A., *Hertfordshire*  
Public Health, Comm. 877

SMITH, Mr. W. H. (Secretary to the Treasury), *Westminster*  
Customs and Inland Revenue, Comm. cl. 5, Amendt. 935; cl. 12, Amendt. 936  
Customs (Ireland)—Out-door Officers, 396  
Dean Forest and Hundred of St. Briavels, 1812  
Dover Pier and Harbour (Expenses), Report, 1517  
Education (Scotland) (Sutherland and Caithness), Comm. 1936  
Parliament—Public Business, 154, 397, 990, 1689  
Post Office—Irish Mails—Delay at Limerick Junction, 1008  
Post Office Clerks—Increment of Salaries, 581  
Registrar of Married Women's Acknowledgments, 581  
Savings Banks, &c. Comm. 970; Preamble, 990  
Supply—Home Office, 1765  
Rates on Government Property, 771, 772  
Repair of Public Buildings, 762  
Royal Palaces, 757  
Treasury, 1764, 1765  
Ways and Means—Financial Statement, 363

SMYTH, Mr. P. J., *Westmeath Co.*  
Peace Preservation (Ireland), Comm. cl. 5, 30, 181

SMYTH, Mr. R., *Londonderry Co.*  
Metropolis Gas Companies, 2R. Motion for Adjournment, 625  
Post Office Clerks—Increment of Salaries, 581  
Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 94, 113, 140, 152, 1358

SOLICITOR GENERAL, The (Sir J. HOLKER), *Preston*  
County Courts, 2R. 1515  
Friendly Societies, Comm. cl. 31, 1413  
House Occupiers Disqualification Removal, Leave, 530  
Infanticide, 2R. 537; Comm. cl. 2, 1773  
Sale of Food and Drugs, Comm. cl. 24, 597, 600  
Supreme Court of Judicature Act (1873) Amendment (No. 2), 2R. 1834, 1835

SOMERSET, Duke of  
Agricultural Holdings (England), Report, cl. 6, 384  
Artizans Dwellings, Comm. cl. 2, 1341; cl. 12, 1346  
Church Patronage, 3R. 1453  
Pollution of Rivers, 2R. 555  
Regimental Exchanges, 2R. 248  
Sale of Food and Drugs, Comm. cl. 9, Amendt. 1897

Spain—The Civil War—Recognition of Belligerent Rights  
Moved, "That, in the opinion of this House, it is desirable that, having regard to the extent and prolongation of the Civil War in Spain

Spain—The Civil War—Recognition of Belligerent Rights—cont.

and the interests connected with this Country therein involved, the belligerent rights of that portion of the Spanish population who maintain in their provinces the claims of Don Carlos to the throne of Spain be recognised by Her Majesty's Government" (*Mr. O'Clery*) May 4, 42; after short debate, Motion withdrawn

SPEAKER, The (Right Hon. H. B. W. BRAND), *Cambridgeshire*  
Army—Divine Service, Attendance at—Meath Militia, 1924  
Recruits, 552  
Catholic Emancipation Act—Jesuits in England, 1715  
Criminal Law—Convict Castro, The, 473  
Increase of the Episcopate, 2R. 1083  
Intoxicating Liquors (Sunday), 1236  
Landlord and Tenant (Ireland) Act (1870) Amendment, 2R. 1297  
Metropolis Gas Companies, 2R. 625  
Parliament—Miscellaneous Questions  
Count-out, 1562  
Norwich New Writ, 1243, 1244  
Opposed Bills, 1616  
Public Business, 167, 1467, 1468  
Whitsuntide Recess, 593  
Parliament—Debates, Publication of, and Exclusion of Strangers, Res. 88, 915  
Peace Preservation (Ireland), Consid. 406, 412; cl. 3, 424  
Queen v. Castro—Contempt of Court, 585, 586, 1747, 1764  
Explanation, 177, 178  
Lord Chief Justice, 1068, 1069  
Sale of Intoxicating Liquors on Sunday (Ireland), 2R. 123, 154

SPENCER, Earl  
Peace Preservation Act—Patrick Casey, Case of, Explanation, 210  
Peace Preservation (Ireland), 3R. 634

SPINKS, Mr. Serjeant F. L., *Oldham*  
Friendly Societies, Comm. cl. 28, 1405

STACPOOLE, Captain W., *Ennis*  
Army—Seconded Captains, &c. 1354, 1810  
Coroners (Ireland), 2R. 522  
Parliament—Whitsuntide Recess, 395  
Parliament—Debates, Publication of, and Exclusion of Strangers, Res. 93

STANHOPE, Earl  
Bishopric of Saint Albans, 2R. 1883

STANHOPE, Hon. E., *Lincolnshire, Mid.*  
Friendly Societies, Comm. cl. 11, 1250, 1251; Amendt. 1252; cl. 14, 1367; Amendt. 1377

STANHOPE, Mr. W. T. W. S., *Yorkshire, W.R.*  
Ways and Means—Financial Statement, 347



STANLEY OF ALDERLEY, Lord  
Elementary Education Act, 1871—Elizabeth Marks, Case of, 1393  
Offences against the Person, 2R. 1518  
Sale of Food and Drugs, Comm. cl. 29, 1900

STANLEY, Hon. Captain F. A. (Financial Secretary for War) *Lancashire, N.*  
Army Estimates—Militia Pay, 714

STANSFELD, Right Hon. J., *Halifax*  
Friendly Societies, Comm. cl. 10, Amendt. 1247; cl. 14, 1369  
Medical Acts Amendment (College of Surgeons), Comm. 1561, 1937  
Public Health, Comm. 883  
Public Works Loan Acts Amendment, 2R. 847, 854

STARKIE, Mr. L. R., *York W. R.*  
Post Office Savings Bank—Mr. C. W. Sikes, 1354

Statute Law Revision Bill  
(Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach)

c. Ordered; read 1<sup>o</sup> June 7 [Bill 199]

STEWART, Mr. M. J., *Wigton Bo.*  
Commerce and Agriculture, Department of, Res. 738

STORER, Mr. G., *Nottinghamshire, S.*  
Commerce and Agriculture, Department of, Res. 729  
Increase of the Episcopate, 2R. 1082

STRATHNAIRN, Lord  
Army—Efficiency of the, 1119  
Army—Examinations, Address for a Paper, 1349

Sugar Convention, 1864—*Refined Sugar*  
Question, Mr. Wait; Answer, Mr. Bourke June 14, 1810

SULLIVAN, Mr. A. M., *Louth Co.*  
Diplomatic Reserve—German Ambassador and Roman Catholics, 641  
India—Baroda, 866  
Parliament—Debates, Publication of, and Exclusion of Strangers, Res. 88, 89, 90, 91, 1155, 1180, 1181, 1358  
Peace Preservation (Ireland), Comm. cl. 5, 32; add. cl. 188; Consid. cl. 3, 420, 421  
Sale of Food and Drugs, Comm. cl. 21, 512  
Supply—British Museum Buildings, 766  
Fire Brigade, Amendt. 771  
Houses of Parliament, 764  
Rates on Government Property, 771, 772  
Science and Art Department, 767  
Towns Rating (Ireland), 2R. 628

Summary Prosecutions Appeals (Scotland) Bill (*The Lord Advocate, Mr. Secretary Cross, Sir Henry Selwin-Ibbetson*)

c. Read 2<sup>o</sup> May 24 [Bill 136]  
Committee\*; Report May 31 [Bill 191]

*Sunday Act, The — Terry v. Brighton Aquarium Company*

Question, Mr. Gibson; Answer, Mr. Assheton Cross May 4, 20; Question, Mr. Joseph Cowen; Answer, Mr. Assheton Cross May 24, 789; Questions, Sir George Bowyer; Answer, Mr. Assheton Cross May 31, 1131; Question, Mr. Ashbury; Answer, Mr. Assheton Cross June 14, 1813; Question, Mr. Joseph Cowen; Answer, Mr. Assheton Cross June 15, 1919

## SUPPLY

Considered in Committee May 20, 711—ARMY ESTIMATES—£685,300, Militia Pay—Resolution reported May 21

Considered in Committee May 21, 757—CIVIL SERVICE ESTIMATES—CLASS I.—PUBLIC WORKS AND BUILDINGS—Resolutions reported May 24

Considered in Committee June 11, 1764—CIVIL SERVICE ESTIMATES—CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS Resolutions reported June 14, 1879

First Six Resolutions agreed to  
Seventh Resolution read a second time  
Amendt. to leave out "£29,252," and insert "£27,252" (*Mr. Dilwyn*) v.; after short debate, Question put, "That '£29,252,' &c.;" A. 185, N. 18; M. 167; Resolution agreed to

Subsequent Resolutions agreed to

Supreme Court of Judicature Act (1873) Amendment (No. 2) Bill [H.L.]  
(*The Lord Chancellor*)

l. Read 3<sup>o</sup> May 7 (No. 66)

c. Read 1<sup>o</sup> (*Mr. Attorney General*) May 10

Moved, "That the Bill be now read 2<sup>o</sup>" June 10, 1831

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Watkin Williams*); Question proposed, "That 'now,' &c.;" after long debate, Moved, "That the debate be now adjourned" (*Mr. Assheton Cross*); debate adjourned

Debate resumed June 14, 1815; after long debate, Amendt. withdrawn; main Question put, and agreed to; Bill read 2<sup>o</sup> [Bill 162]

Survey (Great Britain) Acts Continuance Bill (*Lord Henry Lennox, Mr. William Henry Smith*)

c. Ordered; read 1<sup>o</sup> May 20 [Bill 181]  
Read 2<sup>o</sup> May 24

Committee\*; Report May 31

Read 3<sup>o</sup> June 1

l. Read 1<sup>o</sup> (*Lord President*) June 3 (No. 128)

SWANSTON, Mr. A., *Bandon*  
Savings Banks, &c. Comm. 1502

TALBOT, Mr. J. G., *Kent, W.*

Canadian Parliament, The, 1625

Metropolitan Poor Act—Hampstead Fever and Small Pox Hospital, Motion for a Committee, 1952

Public Health, Comm. cl. 68, 889

**TAYLOR, Mr. P. A., *Leicester Bo.***

Law and Justice—Worthing Magistrates, 288  
Metropolis—Good Friday, Musical Performances on—Lord Chamberlain's Licences, 468, 469  
Offences against the Person Act Amendment, 2R. Amendt. 1863

**Teinds (Scotland) Bill [H.L.]**

(The Earl of Minto)

1. Bill withdrawn, after short debate May 10, 371

**THYNNE, Lord H. F., *Wiltshire, S.***

Elementary Education Act—London School Board, 1463

**TORRENS, Mr. W. T. M., *Finsbury***

Army (Recruits), 703  
Army—Military Officers, Removal of, Motion for an Address, 1426, 1428  
Metropolitan Poor Act—Hampstead Fever and Small Pox Hospital, Motion for a Committee, Amendt. 1944

**Towns Rating (Ireland) Bill [Bill 139]**

(Mr. Butt, Sir Joseph McKenna, Mr. Bryan, Mr. Ronayne)

- c. Moved, "That the Bill be now read 2<sup>o</sup>" May 12, 539  
Amendt. to leave out "now," and add "upon this day six months" (Mr. Vance); Question proposed, "That 'now,' &c.;" after short debate, Debate adjourned  
Debate resumed May 13, 627  
Moved, "That the Debate be now adjourned" (Captain Nolan); after short debate, A. 52, N. 127; M. 75  
Question again proposed; Moved, "That this House do now adjourn" (Sir Henry Havelock); after further short debate, Question put, and negatived; Question again proposed; Debate adjourned

**TRACY, Hon. C. R. D. HANBURY-, *Montgomery, &c.***

Navy—Promotion and Retirement, Res. Amendt. 1277

**Tramways Orders Confirmation Bill [H.L.]**

(The Lord Dunmore)

1. Committee \* June 11 (No. 69)

**TREMAINE, Mr. J., *Cornwall, E.***

Fisheries—Destruction of Sea Fish by Torpedoes, 1403

**TREVELYAN, Mr. G. O., *Hawick, &c.***

Sheriff Courts (Scotland), 925

**TREVOR, Lord A. HILL-, *Downshire***

Fishery Harbours and Stations (Ireland)—Ardglass, 1234

**Triennial Parliaments Bill**

2. Motion for Leave (Dr. Kenealy) June 15, 1955  
[House counted out]

**Turnpike Acts Continuance**

Report of Select Committee May 13 (No. 209)

**Turnpike Roads (South Wales) Bill**

(Mr. Slater-Booth, Mr. Clare Read)

- c. Ordered; read 1<sup>o</sup> May 21 [Bill 183]  
Read 2<sup>o</sup> May 27  
Committee \*; Report May 31  
Read 3<sup>o</sup> June 1  
1. Read 1<sup>o</sup> (The Earl of Jersey) June 3  
Read 2<sup>o</sup> June 11 (No. 129)

**United Parishes (Scotland) Bill**

(Mr. Dalrymple, Colonel Alexander, Mr. McLagan)

- c. Ordered; read 1<sup>o</sup> June 9 [Bill 201]

**VANCE, Mr. J., *Armagh City***

Coroners (Ireland), 2R. 514  
Peace Preservation (Ireland), Comm. cl. 5, 34  
Towns Rating (Ireland), 2R. Amendt. 540

**VILLIERS, Right Hon. O. P., *Wolverhampton***

Sale of Food and Drugs, Comm. cl. 9, 201; cl. 24, 597

**VIVIAN, Mr. A. P., *Cornwall, W.***

Mercantile Marine—Lighthouses—Telegraphic Communication, 1128

**Vivisection—A Royal Commission**

Question, Mr. Lyon Playfair; Answer, Mr. Ascheton Cross May 24, 794; Question, Observations, Lord Henniker; Reply, The Duke of Richmond May 28, 993

**Vivisection Regulation Bill [H.L.]**

(The Lord Henniker)

1. Presented; read 1<sup>o</sup> May 4 (No. 85)

**WADDY, Mr. S. D., *Barnstaple***

Increase of the Episcopate, 2R. Motion for Adjournment, 1082  
Infanticide, Comm. cl. 2, 1773  
Law and Justice—Circuits of the Judges, 1922  
Medical Education, Council of—Diplomas, 470  
Offences against the Person Act Amendment, 2R. 1867  
Peace Preservation (Ireland), 3R. 486  
Supply—Treasury, The, 1765

**WAIT, Mr. W. K., *Gloucester***

Law and Justice—Frome Magistrates, 20  
Sugar Convention, 1864—Refined Sugar, 1810

**WALPOLE, Right Hon. Spencer H.,***Cambridge University*

Friendly Societies, Comm. cl. 14, 1376  
Supply—British Museum Buildings, 787

**WALTER, Mr. J., *Berkshire***

Public Health, Comm. cl. 17, Amendt. 885, 886

**WATERLOW, Sir S. H., *Maidstone***  
Coal Mines—Gunpowder, Use of, 1126  
Friendly Societies, Comm. cl. 11, 1261

**WATKIN, Sir E. W., *Hythe***  
Army—Military Prisoners—Gunner Charlton, 865, 1125  
Compensation for Accidents to Workmen, Leave, 916  
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**WAVENEY, Lord**  
Army—Efficiency of the, 1124  
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Church Patronage, 3R. 1457  
Sligo, Leitrim, and Northern Counties Railway—Preference Stock, Comm. 996

### WAYS AND MEANS

Considered in Committee May 7, 290—Financial Statement—Resolutions reported May 10  
*Inland Revenue—Stamp Duties—Notices to Quit*, Question, Mr. Butt; Answer, The Chancellor of the Exchequer June 4, 1402

**WHALLEY, Mr. G. H., *Peterborough***  
Catholic Emancipation Act—Jesuits in England, 1622, 1715, 1716  
Criminal Law—Convict Castro, The, 473  
Germany and the Papacy, 1357  
Infanticide, 2R. 537  
Land Titles and Transfer, Comm. 1927  
Parliament—Miscellaneous Questions  
Norwich New Writ, 1237, 1238, 1239, 1243, 1244  
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Whitsuntide Recess, 589  
Public Health, Comm. 884; cl. 23, 887; cl. 129, 891; cl. 168, 893  
Tichborne Case—Miscellaneous Questions  
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Lord Chief Justice, 1067, 1068, 1069  
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Ways and Means—Financial Statement, 365

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